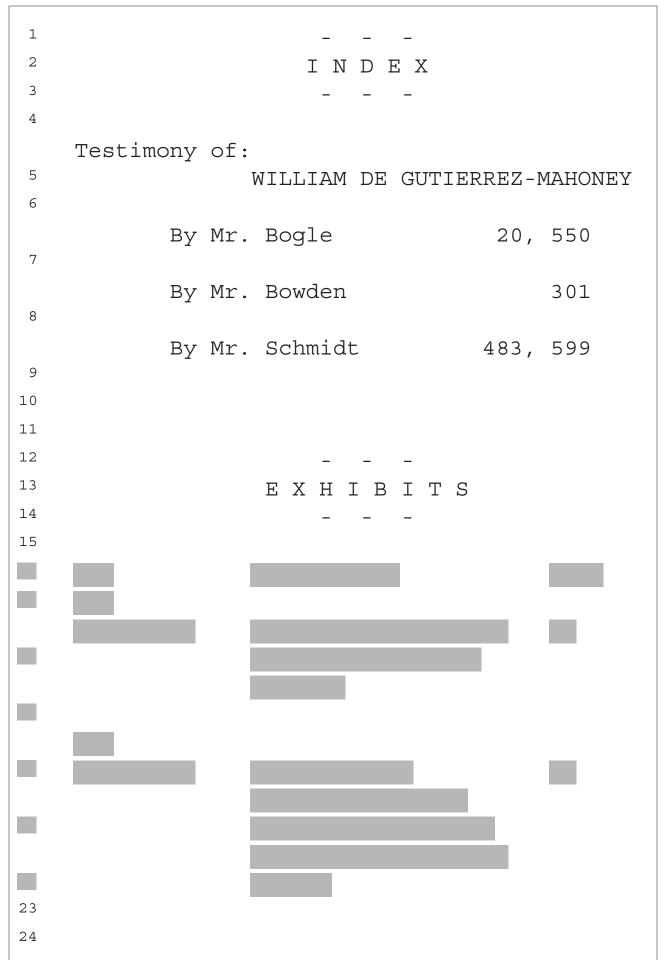
EXHIBIT 246

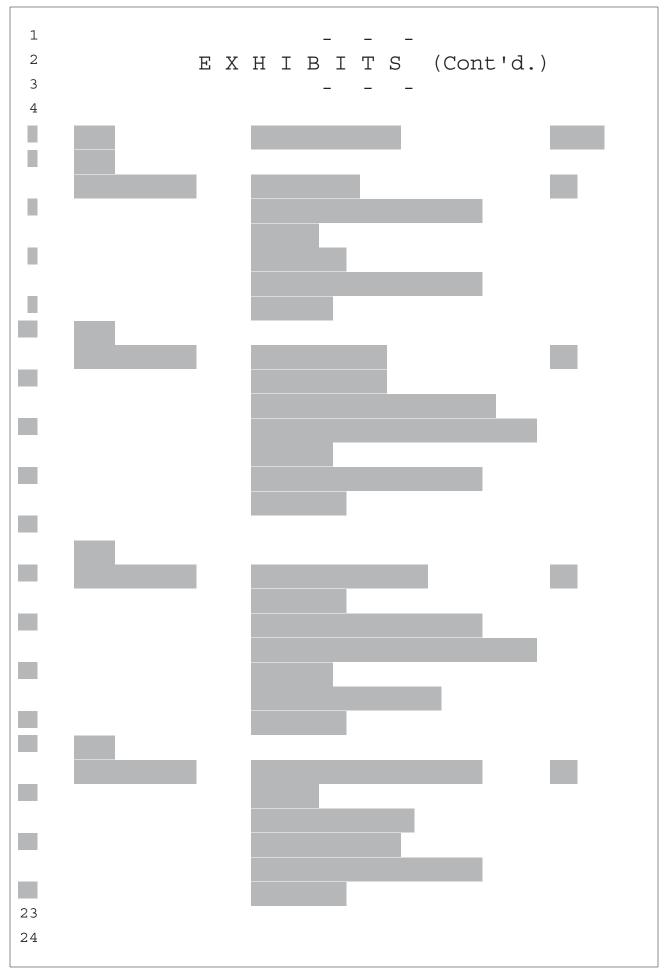
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       IN THE UNITED STATES DISTRICT COURT
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        FOR THE NORTHERN DISTRICT OF OHIO
3
                EASTERN DIVISION
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     IN RE: NATIONAL
                            : HON. DAN A.
6
     PRESCRIPTION OPIATE : POLSTER
     LITIGATION
     APPLIES TO ALL CASES : NO.
8
                             : 1:17-MD-2804
9
            - HIGHLY CONFIDENTIAL -
10
    SUBJECT TO FURTHER CONFIDENTIALITY REVIEW
11
12
13
                November 28, 2018
14
15
                 Videotaped deposition of
    WILLIAM DE GUTIERREZ-MAHONEY, taken
    pursuant to notice, was held at the law
16
    offices of Covington & Burling, LLP, The
17
    New York Times Building, 620 Eighth
    Avenue, New York, New York, beginning at
18
    9:08 a.m., on the above date, before
    Michelle L. Gray, a Registered
19
    Professional Reporter, Certified
    Shorthand Reporter, Certified Realtime
    Reporter, and Notary Public.
20
21
22
           GOLKOW LITIGATION SERVICES
       877.370.3377 ph | 917.591.5672 fax
23
                 deps@golkow.com
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18
        VIDEOTAPE TECHNICIAN:
19
           Henry Marte
20
        LITIGATION TECHNICIAN:
21
           Mike Kutys
22
23
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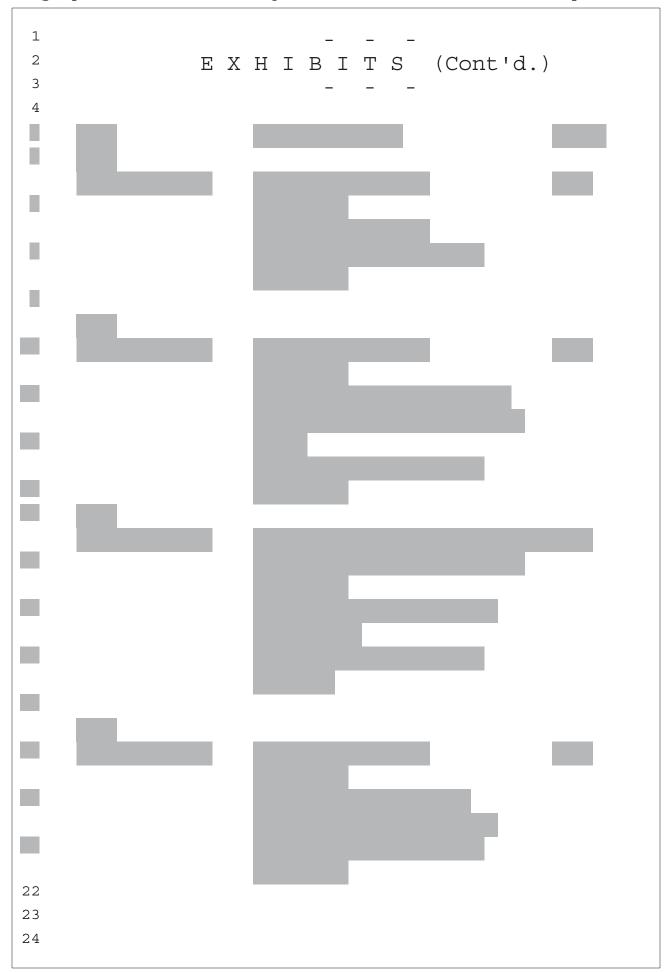




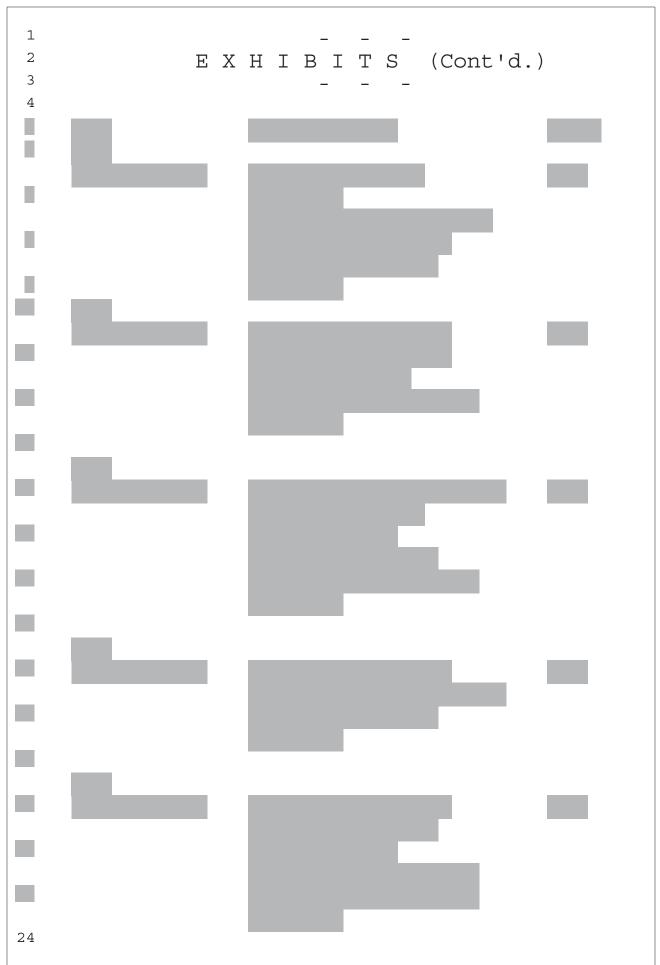


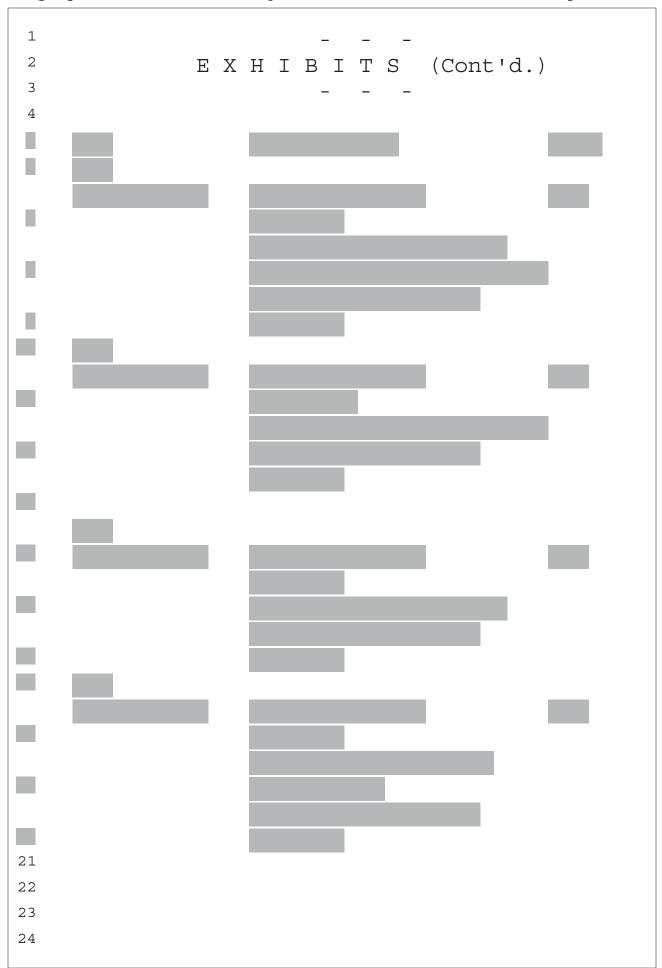


















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1
2
              DEPOSITION SUPPORT INDEX
3
4
    Direction to Witness Not to Answer
5
6
    PAGE LINE
    None.
7
    Request for Production of Documents
8
9
    PAGE
            LINE
    None.
10
11
    Stipulations
12
    PAGE
          LINE
    None.
13
    Questions Marked
14
    PAGE LINE
15
    None.
16
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1	THE VIDEOGRAPHER: We are
2	now on the record. My name is
3	Henry Marte, the videographer with
4	Golkow Litigation Services.
5	Today's date is November 28,
6	2018. And the time is 9:08 a.m.
7	This videotaped deposition
8	is being held at Covington and
9	Burling LLP, located at 620 Eighth
10	Avenue, New York, New York, in the
11	matter of National Prescription
12	Opiate Litigation.
13	The deponent today is
14	William de Gutierrez-Mahoney.
15	Counsel, please introduce
16	themselves for the record, which
17	after the court reporter will
18	administer the oath to the
19	witness.
20	MR. BOGLE: Brandon Bogle on
21	behalf of plaintiffs.
22	MR. BOWDEN: Wes Bowden on
23	behalf of plaintiffs.
24	MR. LIVINGSTON: Scott

1	Livingston on behalf of Defendant,
2	HBC.
3	MR. RICARD: Paul Ricard on
4	behalf of Prescription Supply.
5	MS. DURFEE: Laura Jane
6	Durfee on behalf of Walmart.
7	MS. McNAMARA: Colleen
8	McNamara, on behalf of Cardinal
9	Health.
10	MS. CALLAS: Gretchen Callas
11	on behalf of AmerisourceBergen.
12	MS. DORRIS: Lauren Dorris
13	on behalf of McKesson.
14	MR. SCHMIDT: Paul Schmidt
15	on behalf of McKesson.
16	And let me just say, if I
17	may, I don't know what the prior
18	practice has been, I meant to
19	check this, but my understanding
20	is that everyone in the room and
21	everyone on the phone is
22	subjective to the protective order
23	and the deposition will be covered
24	by the confidentiality provisions

```
1
           of the protective order. But if
2
           that's not true as to anyone,
3
           please correct me.
                  MR. BOGLE: I think that's
5
           accurate.
6
                  MS. MUSKETT: Michelle, did
7
           you get Fox Rothschild.
8
                  MS. ONYEFORO: Lucy Onyeforo
9
           of Allegaert, Berger & Vogel is on
10
           the phone as well for Rochester
11
           Drug Corporation.
12
13
               WILLIAM DE GUTIERREZ-MAHONEY,
14
    having been first duly sworn, was
15
    examined and testified as follows:
16
17
                    EXAMINATION
18
19
    BY MR. BOGLE:
20
                  Good morning, Mr. Mahoney.
           Ο.
21
    How are you doing?
22
                 Good morning. Good.
           Α.
23
           Q. My name is Brandon Bogle,
24
    I'm going to be asking you some questions
```

- ¹ today.
- Just starting out for the
- record, can I get your full name, please?
- ⁴ A. William de
- ⁵ Gutierrez-Mahoney.
- Okay. And have you ever had
- your deposition taken before?
- 8 A. I've been deposed in other
- 9 matters, but not with opioids.
- Q. Right. And I'm talking
- 11 generally in this sense. So how many
- times have you been deposed in any sort
- of matter prior to today?
- A. Once. Once.
- Q. Once. What was the general
- subject matter in that deposition?
- A. It was -- it was a murder
- case, and the question was about chain of
- custody.
- Q. Okay. Were you testifying
- in some law enforcement capacity?
- A. It was a criminal case. And
- the state wanted to know if the product
- that had been used in the crime had come

- ¹ from McKesson.
- Q. Okay. So you were working
- for McKesson at that point in time?
- ⁴ A. Yes.
- ⁵ Q. Okay. So just to kind of
- ⁶ refresh you a little bit on a deposition,
- ⁷ just sort of the basics, I'm going to ask
- you some questions today. I'll do my
- ⁹ very best to ask my question, give you
- every opportunity to answer before I ask
- my next question.
- I'll also ask that even if
- 13 you think you know where I'm going, if
- you can let me get my full question out
- there before you answer so that we don't
- step on each others' toes, I think that
- the court reporter will appreciate that.
- 18 Is that fair?
- A. Yes.
- Q. Okay. And you can take a
- break whenever you want. It's not an
- endurance contest. Just tell myself or
- your own counsel here. The only thing I
- ask is if I've got a question pending, if

- 1 you could answer that question and we can
- break for whenever -- however you want.
- And the last thing is if you
- 4 don't understand or don't hear something
- 5 that I say, ask me to repeat or rephrase.
- ⁶ I'll do my best to make it clear to you.
- ⁷ But if you answer my question, I'm going
- 8 to assume that you understood it. Is
- 9 that fair?
- A. Yes.
- Q. Okay. Where are you
- currently employed?
- A. At McKesson.
- Q. Okay. And how long have you
- been with McKesson?
- A. I've been with McKesson for
- 17 17-plus years.
- Q. Okay. So starting
- approximately 2001; is that right?
- A. Yes.
- Q. Okay. What was your job in
- 22 2001 when you started, job title?
- A. I joined McKesson as a
- business process manager.

- O. Was that at Lakeland?
- ² A. Our facility in Florida at
- ³ that time was in Tampa.
- Q. Okay. How long did you have
- 5 that position?
- A. I think I had it between
- ⁷ let's say one year and two years.
- Q. Okay. What was your next
- ⁹ job at McKesson after that?
- A. It was assistant
- distribution center manager.
- Q. Was it in the Tampa
- 13 facility?
- ¹⁴ A. Yes.
- Q. How long did you have that
- job? Just the years is fine.
- 17 A. Until '04.
- Q. Okay. And beginning in '04,
- it's my understanding that you took the
- role as distribution center manager for
- the Lakeland facility; is that right?
- A. Yes.
- Q. Okay. And you held that
- position from 2004 until approximately

- 1 December 2007; is that right?
- A. Yes.
- ³ Q. Beginning in January 2008
- 4 you took over as director of regulatory
- ⁵ affairs for the southeast region, fair?
- A. Yes.
- ⁷ Q. Okay. Has that been your
- ⁸ job title from January 2008 to the
- 9 present?
- A. Yes.
- Q. Okay. Now, just so I
- understand, when we talk about the
- southeast region, can you give me a sense
- of what that encompasses, whether it be
- 15 states or distribution centers or however
- that's divided out at McKesson.
- 17 A. Initially, I was responsible
- 18 for six distribution centers, in
- Lakeland; Atlanta; Birmingham, Alabama;
- Memphis, Tennessee; Conroe, Texas; and
- ²¹ Oklahoma City.
- Q. Okay. And you said
- initially. So at some point in time, did
- that change?

- ¹ A. Yes.
- Q. When did that change?
- A. We brought on another person
- 4 in 2013. And at that point I was
- ⁵ responsible for Birmingham, Lakeland, and
- 6 Atlanta.
- Q. Who is the person that was
- 8 brought on in 2013?
- ⁹ A. Linda Martin. There's been
- ¹⁰ a subsequent change too.
- Q. Okay. What was that? First
- of all, when did that subsequent change
- 13 occur?
- A. I believe it happened in the
- 15 middle of 2014.
- Q. Okay. What changed?
- A. Jerry Carmack joined. And
- he picked up Memphis and Birmingham.
- 19 Linda moved to Texas and Oklahoma City,
- and I was responsible for Atlanta and
- Lakeland.
- MR. SCHMIDT: And I
- apologize. I can appreciate if
- you were running something off the

```
1
           screen. Do you have a copy of
2
           whatever you're running?
3
                 MR. BOGLE: I haven't marked
           anything yet. I'm not -- we can
           take that down. I haven't marked
5
6
           anything yet. It's not supposed
7
           to be on the screen yet. Yeah, we
8
           certainly will when we go through
9
           it.
10
                 MR. SCHMIDT: I understand.
11
    BY MR. BOGLE:
12
                 Okay. So I didn't catch the
13
    last part there. So I apologize. I'm
14
    going to repeat part of this so I
15
    understand. I want to know from your
16
    perspective in mid-2014, which facilities
17
    you were responsible for from a
18
    regulatory perspective?
19
                 From then on --
           Α.
20
           0.
                 Yes, sir.
21
                 -- I became responsible for
           Α.
22
    Atlanta and Lakeland.
23
           O. Atlanta and Lakeland. Has
    that been true from mid-2014 to present?
24
```

- ¹ A. Yes.
- Q. Now, going back to the time
- that you were distribution center manager
- for Lakeland, would that have encompassed
- ⁵ running the day-to-day operations for the
- 6 distribution center?
- ⁷ A. Yes.
- Q. Okay. And can you just give
- 9 me a general sense, again, as a
- distribution center manager for Lakeland,
- what your general job responsibilities
- were?
- A. I was responsible for hiring
- and enabling the distribution center to
- service its customer base. We would
- 16 receive product from manufacturers, stock
- the shelves, and process orders in the
- evening for delivery the following day.
- Q. Okay. And the time period
- that you had that role from '04 to '07,
- there would also have been
- responsibilities under the Controlled
- 23 Substances Act that would have fallen
- within your purview, right?

1	A. Yes.
2	Q. Okay. That would include,
3	for example, suspicious order monitoring
4	for controlled substances, right?
5	A. Yes.
6	Q. Okay. And can you give me a
7	sense of what your role during that time
8	period would have been from that
9	perspective of suspicious order
10	monitoring?

11 just asking your recollection. So if you don't recall, that's fine. 12 13 Right. Α. 14 Okay. The Lakeland 15 distribution center, we'll start with '04 16 to '07 time frame, what -- geographically 17 what states did that cover as far as a 18 customer base? In '04, I think we covered 19 20 actually some portions -- the geography 21 that we covered moved between '04 and 22 '06 --23 Q. Okay. 24 -- because of the Florida Α.

- ¹ pedigree law.
- Q. Okay.
- A. And the decision was made to
- 4 basically make Lakeland the primary with
- only one -- one or two backups, vehicle
- for delivering -- acquiring and
- ⁷ delivering pedigree product to conform
- ⁸ with the Florida pedigree law.
- ⁹ Q. When you say pedigree
- product, I want to make sure that our
- jury understands what that means. What
- is a pedigree product?
- A. Because of investigations
- which observed that there is companies or
- entities were counterfeiting product or
- repackaging it in a way that undermined
- its efficacy and whether it was safe for
- the public, Florida implemented the
- 19 Florida pedigree law. And initially they
- 20 chose 30 drugs that they viewed as being
- subject to diversion that way.
- 22 And they required a pedigree
- on who had bought the various
- transactions which took place between the

- manufacturer and -- or actually the
- distributor who bought it from the
- manufacturer and the pharmacy or entity
- 4 to which it was sold.
- ⁵ Q. Would it be fair to say that
- it's sort of similar to what you
- mentioned before in the respect that you
- 8 testified before, sort of a chain of
- 9 custody throughout the lifecycle of the
- product to establish at all times it was
- 11 a legitimate product?
- A. Right.
- Q. Okay. And let me ask my
- other question maybe a different way.
- From 2004 to present, has the Lakeland
- distribution center serviced customers in
- the State of Florida?
- ¹⁸ A. Yes.
- O. Okay. You mentioned the
- term "diversion" in your answer just a
- minute ago. What do you understand the
- term "diversion" to mean?
- A. Where a product is
- inappropriately taken out of the normal

- 1 supply chain. In this case, one of the
- modes was that customers would buy a
- ³ product and then attempt to return
- ⁴ altered or not pedigree product into the
- 5 supply chain.
- Q. Okay. And the concept of
- ⁷ diversion is -- it can be broader than
- 8 that, right?
- ⁹ A. Sure, sure.
- Q. Okay. Are there any other
- examples of diversion that you can think
- ¹² of?
- A. Yeah. There is -- I quess,
- 14 not chain. There's diversion that used
- to take place between closed door
- pharmacies and independent retail
- pharmacies in which pricing which was
- offered to closed door pharmacies would
- be diverted into the normal chain of
- independent flow, at which it would be
- able to be sold for higher prices. That
- was something that the manufacturers
- really clamped down on.
- And then there's diversion

- of controlled substances.
- Q. Okay. And the concept of
- diversion, as I read it, is sort of
- 4 generally defined as the use of a drug
- ⁵ for an illegitimate medical purpose. Do
- ⁶ you think that's a fair general
- 7 statement?
- ⁸ A. Particularly in the case of
- ⁹ controls.
- Q. Right. Is that a fair
- 11 general statement for controlled
- 12 substances?
- A. Yes.
- Q. Okay. So prior to taking on
- your role as director of regulatory
- affairs in 2008, did you have any prior
- experience working in a regulatory
- 18 capacity for any company?
- ¹⁹ A. No.

```
5
           Ο.
                 Okay. And you said CSA.
6
    And, again, I just want to make sure
7
    we're clear on what everything means
8
    here. That's the Controlled Substance
9
    Act?
10
                Yes, sir.
           Α.
11
                 Okay. I saw a reference
12
    somewhere to you previously working for
13
    Cardinal Health; is that right?
14
                 I worked -- yes.
           Α.
15
                 Okay. What period of time
           Ο.
16
    did you work there?
17
                 I worked for Cardinal from
    March of '98 to the summer of 2000.
18
19
                 Okay. What did you do
20
    generally for Cardinal?
21
                 First of all, what was your
22
    job title? Let's start there.
23
           A. Job title was director of
24
    operations.
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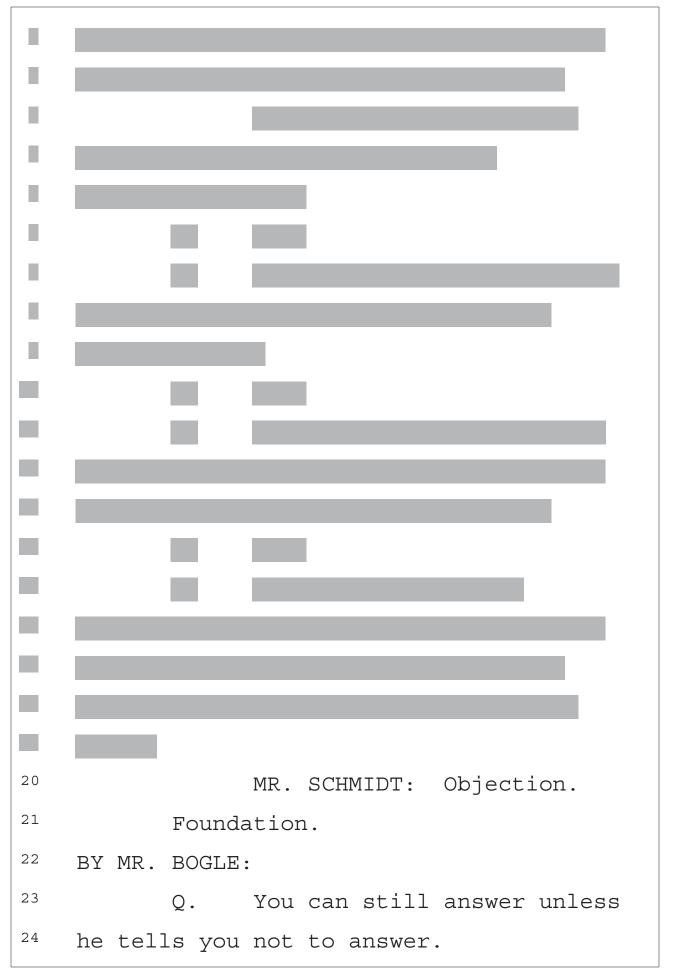
1 Was that for a distribution 0. 2 center? 3 Α. Yes. Where? O. 5 In Lakeland. Α. 6 Okay. Were your job 0. 7 responsibilities similar there to what 8 they were at McKesson when you were 9 distribution center manager? 10 Α. Yes. 11 Okay. You worked for --12 did -- had you worked for any other 13 pharmaceutical distributors prior to 14 working for Cardinal? 15 Α. No. 16 And McKesson is a 17 distributor of pharmaceutical products, right? 18 19 Α. Yes.

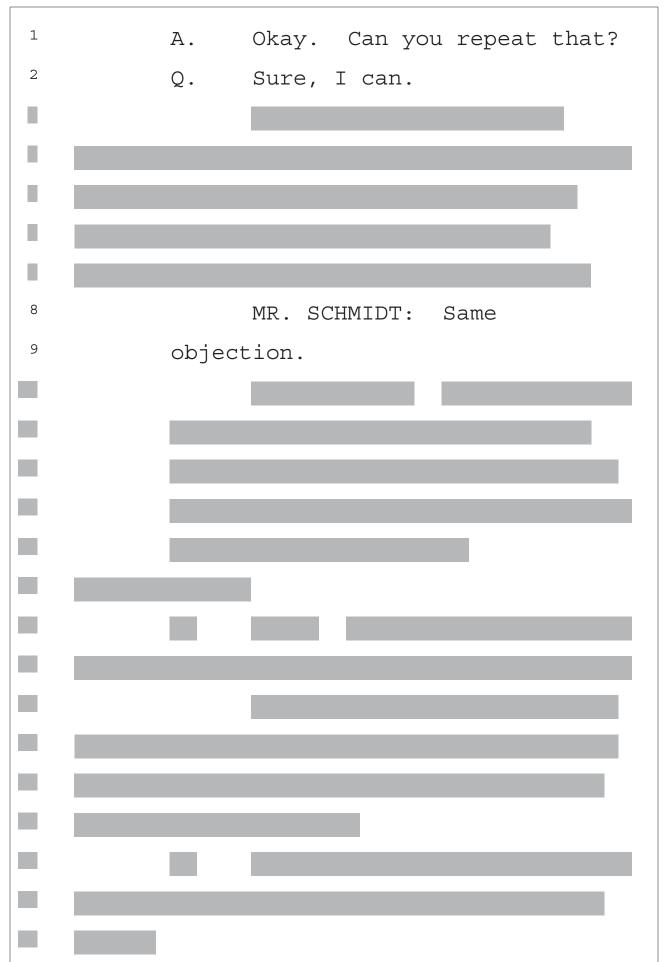
3 And obviously the deposition today is going to focus largely on opioid 5 products. You understand that, right? 6 Α. Yes. 7 That's what we're here to 0. 8 talk about? 9 Α. Yes. 10 And you are familiar with 11 opioids, right? 12 Α. Yes. 13 Okay. And McKesson has Ο. 14 distributed opioids during the time that 15 you've worked with the company, right? 16 Α. Yes. 17 And opioids are a controlled 18 substance, right? 19 Α. Yes. 20 And opioids are -- fall into Ο. 21 the category of a narcotic drug, right? 22 Α. Yes.

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2 MR. SCHMIDT: Objection. 3 Form. 4 (Document marked for 5 identification as Exhibit 6 MCK-Mahoney-1) 7 BY MR. BOGLE: 8 Q. Okay. I'm going to hand you 9 what's marked as Exhibit 1.1464. Also 10 marked as Exhibit 1 to your deposition. 11 And the beginning Bates number is 12 MCK MDL 00478906. 13 Here's your copy. And this 14 is a long table, sir, so I'm not trying 15 to throw stuff at you, I swear. 16 Okay. So looking at 17 Exhibit 1 here. Let me introduce it and 18 then I want to ask you some questions 19 about it. 20 Do you see this is a letter 21 from the U.S. Department of Justice Drug 22 Enforcement Administration dated September 27, 2006. Do you see that? 23 24 Α. Yes.

- Q. Okay. Have you seen this
- 2 letter before today?
- ³ A. Yes.
- Q. Okay. Did you see it in and
- ⁵ around 2006?
- ⁶ A. Yes.
- Okay. How was it -- how did
- you come to see it in and around 2006?
- ⁹ A. It may have been addressed
- to me at the DC. But I also saw it via
- 11 e-mail internally.
- Q. Okay. All right. So I want
- to discuss a few portions of this letter.
- The first paragraph there
- says, "This letter is being sent to every
- 16 commercial entity in the United States
- 17 registered with the Drug Enforcement
- 18 Administration to distribute controlled
- 19 substances. The purpose of this letter
- is to reiterate the responsibilities of
- 21 controlled substance distributors in view
- of the prescription drug abuse problem
- our nation currently faces."
- Do you see that?

- ¹ A. Yes.
- Q. Okay. And McKesson in 2006
- was registered with the DEA to distribute
- 4 controlled substances, right?
- ⁵ A. Yes.
- 6 Q. And if you go down to the
- ⁷ third paragraph on the first page. And
- 8 I'm in the -- let's start with the first
- 9 sentence. It says, "The CSA was designed
- by Congress to combat diversion by
- providing for a closed system of drug
- distribution in which all legitimate
- 13 handlers of controlled substances must
- 14 obtain a DEA registration, and as a
- condition of maintaining such
- registration, must take reasonable steps
- to ensure that their registration's not
- being utilized as a source of diversion.
- Distributors are, of course, one of the
- key components of the distribution chain.
- 21 If the closed system is to function
- 22 properly as Congress envisioned,
- distributors must be vigilant in deciding
- whether a prospective customer can be

- trusted to deliver controlled substances
- only for lawful purposes."
- Did I read that correctly?
- ⁴ A. Yes.
- ⁵ Q. Okay. There's a reference
- 6 here to a closed system in this regard.
- ⁷ What do you understand a closed system to
- 8 mean?
- ⁹ A. A closed system is a system
- in which the -- the drugs are initiated
- 11 at a manufacturer, usually acquired by
- distributor. Could be sent to another
- distributor, or to a pharmacy.
- The prescription is
- initiated with the -- the doctor. And
- the distributor delivers the drugs to the
- pharmacy, and the pharmacy fills scripts
- which are initiated by the doctor.
- Q. And in a closed system in --
- in the concept of controlled substances
- means that essentially you have to have
- this DEA registration in order to be able
- to prescribe or distribute or manufacture
- ²⁴ controlled substances, right?

- ¹ A. Yes.
- Q. Okay. Okay. Look at the
- next sentence here. It says, "This
- 4 responsibility is critical as Congress
- ⁵ has expressly declared that the illegal
- 6 distribution of controlled substances has
- ⁷ a substantial and detrimental effect on
- 8 the health and general welfare of the
- 9 American people."
- Do you see that?
- A. Yes.
- Q. Do you agree with that
- sentence?
- MR. SCHMIDT: Objection.
- Foundation.
- THE WITNESS: Yes.
- ¹⁷ BY MR. BOGLE:
- Q. And turning to the second
- page of this document, one more section
- that I wanted to look at with you.
- You see in the middle of the
- page there where it says the DEA
- regulations require? Do you see that?
- A. Yes.

- Q. It says, "The DEA
- ² regulations require all distributors to
- ³ report suspicious orders of controlled
- 4 substances. Specifically the regulations
- ⁵ state in 21 C.F.R. 1301.74(b), "The
- 6 registrant shall design and operate a
- ystem to disclose to the registrant
- 8 suspicious orders of controlled
- ⁹ substances. The registrant shall inform
- the field division office of the
- administration in his area of suspicious
- orders when discovered by the registrant.
- 13 Suspicious orders include orders of
- unusual size, orders deviating
- substantially from a normal pattern, and
- orders of unusual frequency."
- Do you see that?
- A. Yes.
- Q. And that paragraph I just
- read that's from the C.F.R., that's a
- paragraph that you're familiar with,
- ²² right?
- A. Yes.
- Q. And then it goes on to say,

- ¹ "It bears emphasis that the foregoing
- ² reporting requirement is in addition to,
- and not in lieu of, the general
- 4 requirement under 21 U.S.C. 823(e) that a
- ⁵ distributor maintain effective controls
- 6 against diversion. Thus, in addition to
- ⁷ reporting all suspicious orders, a
- 8 distributor has statutory responsibility
- ⁹ to exercise due diligence to avoid
- filling suspicious orders that might be
- diverted into other than a legitimate
- medical, scientific, and industrial
- 13 channels."
- Do you see that?
- A. Yes.
- 0. And these -- this additional
- duty to avoid filling here, that's what
- we talked about earlier which is the duty
- to block suspicious orders when they're
- ²⁰ detected, right?
- ²¹ A. Yes.
- Q. Okay. And would you agree
- that reporting suspicious orders to the
- DEA is important because it allows the

1 DEA to decide whether it wants to 2 investigate whether diversion is occurring as to the order you're reporting? 5 MR. SCHMIDT: Objection. 6 Foundation. 7 THE WITNESS: I'm not sure 8 what the DEA used the information 9 that we sent to them for. 10 BY MR. BOGLE:

```
3
              Okay. So do you have a
    sense as to whether -- actually, strike
5
    that.
6
                 Would you agree with me that
7
    blocking a suspicious order is important
8
    because it ensures that potential
9
    diversion does not occur with that order?
10
                  MR. SCHMIDT:
                                Same
11
           objection. Foundation.
12
                  THE WITNESS: That's the
13
           intent, yes.
14
    BY MR. BOGLE:
15
                 Okay. And diversion of
           Ο.
16
    controlled substances, including opioids
17
    can be prevented by compliance with the
18
    Controlled Substance Act, right?
19
                  MR. SCHMIDT: Same
20
           objection.
21
                  THE WITNESS: I think there
22
           are a lot of different
23
           participants. And even if
2.4
           Controlled Substance Act is
```

```
1
           complied with by a majority of the
2
           participants, diversion can still
3
           occur.
    BY MR. BOGLE:
5
                  Okay. So you would not
           Q.
6
    agree then that diversion of opioids
7
    specifically can be prevented through
    compliance with the Controlled Substance
8
9
    Act?
10
                  MR. SCHMIDT: Same
11
           objection.
12
                  THE WITNESS: Are you
13
           talking about relative to
14
           distributors?
15
    BY MR. BOGLE:
16
                  Yeah. We can start there.
           Ο.
17
           Α.
                  Okay. Can you repeat the
18
    question?
```

1 Okay. Do you agree that 0. there is an ongoing opioid epidemic in 2 the United States? 4 Α. Yes. 5 And that epidemic has been 6 going on for more than a decade in this 7 country, right? 8 MR. SCHMIDT: Objection. 9 Foundation. 10 THE WITNESS: I'm not sure exactly when it began. 11 12 BY MR. BOGLE:



- Q. Okay.
- A. I've heard that for
- different age groups and that kind of
- 4 thing. But I'm not sure.
- ⁵ Q. Okay. Why don't we take a
- 6 look at something here with you on that
- ⁷ point. I'm going to hand you 1.264,
- 8 which is marked as Exhibit 2.
- 9 (Document marked for
- identification as Exhibit
- MCK-Mahoney-2.)
- 12 BY MR. BOGLE:
- Q. This is a public document.
- 14 So no Bates numbers.
- MR. SCHMIDT: You can throw
- it. I know you're not being rude.
- 17 It's a big table.
- 18 BY MR. BOGLE:
- Q. Okay. Mr. Mahoney, what
- I've handed you -- here again, I'll
- introduce it, and we'll kind of go from
- there -- is a document from May 4, 2018,
- from the U.S. House of Representatives
- ²⁴ Committee on Energy and Commerce.

```
1
                  Do you see that?
2
                  Mm - hmm
           Α.
3
                  Okay. Have you seen this
           Ο.
    document before?
                  I don't think I've seen this
5
           Α.
6
    document.
7
                  Okay. Do you see that the
           Ο.
8
    line at the top notes, "Regarding hearing
9
    entitled 'Combatting the Opioid Epidemic:
10
    Examining Concerns About Distribution and
11
    Diversion.'"
12
                  Do you see that?
13
                  Yes.
           Α.
14
                  Okay. And if you look here,
           O.
15
    on that first page, there's a section
16
    that lists witnesses for the hearing.
17
           Α.
                  Yes.
18
                  Do you see that section?
           O.
19
           Α.
                  Mm-hmm.
20
                  And you see the third person
           Ο.
21
    listed there is a John H. Hammergren --
22
                  Yes.
           Α.
23
                  -- president and CEO of
24
    McKesson. Do you see that?
```

- A. Mm-hmm.
- Q. Okay. And you are familiar
- with Mr. Hammergren, right?
- ⁴ A. Yes.
- Okay. I mean, you know who
- 6 he is, right?
- ⁷ A. Yeah.
- ⁸ Q. Okay. Were you aware that
- 9 he testified before Congress in 2018?
- A. Yes.
- Q. Yes. What information were
- you provided about his testimony?
- A. I believe I watched it.
- Q. Okay. So you did watch at
- least portions of this hearing that we're
- talking about here?
- A. Yes.
- Q. Okay. So going to the
- second page of this document, and I'm
- looking at the paragraph below the chart
- that says, "The U.S. continues."
- ²² A. Okay.
- Q. Do you see that?
- It says, "The U.S. continues

- ¹ to experience an opioid epidemic which
- ² has worsened over the last two decades.
- Opioid-involved overdose deaths are the
- ⁴ leading cause of injury death in the U.S.
- 5 and take the lives of 115 Americans per
- 6 day. According to a recent report issued
- by the Centers For Disease Control and
- 8 Prevention, CDC, prescription or illicit
- ⁹ opioids were involved in nearly
- two-thirds of all drug overdose deaths in
- 11 the U.S. during 2016, a 27.7 percent
- increase from 2015.
- "In total, more than 351,000
- 14 people have died since 1999 due to an
- opioid-involved overdose. The crisis has
- become so severe that the average life
- expectancy declined in 2016 from the
- previous year largely because of opioid
- overdoses."
- Do you see that there?
- ²¹ A. Yes.
- Q. Okay. Prior to looking at
- this today, were you aware that the life
- expectancy, at least in 2016, had

```
declined largely because of opioid
1
2
    overdoses?
3
                  MR. SCHMIDT: Objection.
4
           Foundation.
5
                  THE WITNESS: I had heard
6
           that life expectancy had gone
7
                  But I hadn't attributed it
           down.
8
           necessarily to just opioids.
9
                  Suicide, depression. There
10
           were a lot of different things in
11
           what I had seen.
12
    BY MR. BOGLE:
13
                 Okay. But you've never seen
14
    the reference similar to the one here
15
    that decline, at least from 2016 versus
16
    2015, was largely because of opioid
17
    overdoses?
18
           A. I hadn't seen that sentence,
19
    no.
20
                  Any reason to dispute that
           Q.
21
    finding?
22
           Α.
                  No.
23
                  MR. SCHMIDT: Same
24
           objection.
```

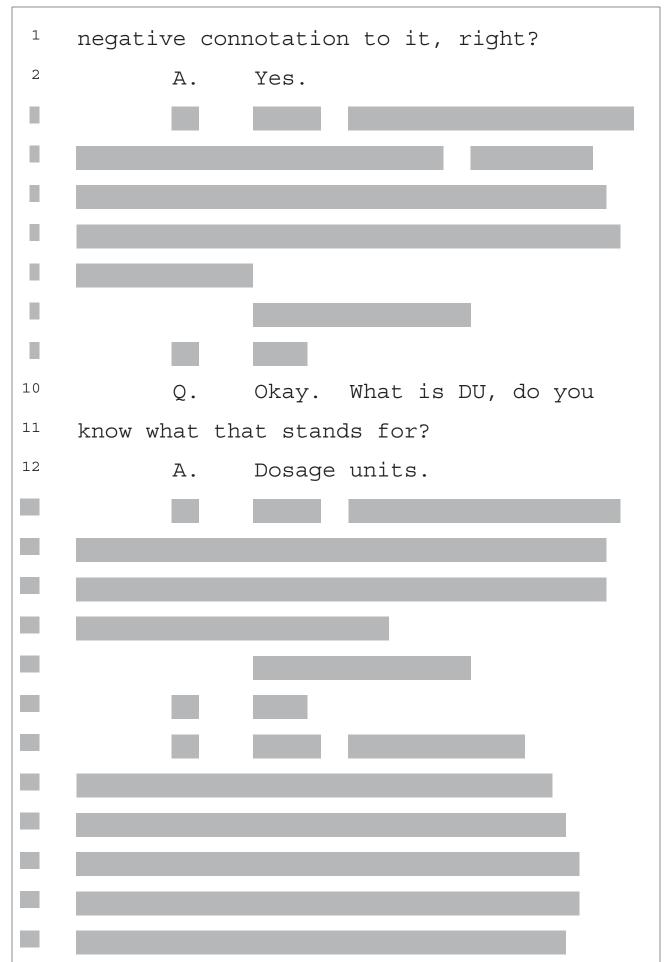
- ¹ BY MR. BOGLE:
- O. We talked a little bit
- ³ earlier about your involvement at the
- ⁴ Lakeland distribution center, initially
- 5 as the assistant distribution center
- 6 manager -- I think that was the title
- ⁷ that you gave me -- then distribution
- 8 center manager, and then as director of
- 9 regulatory affairs responsible for
- 10 Lakeland. We talked about that earlier,
- 11 right?
- A. Yes.
- O. Okay. So Florida -- let me
- 14 back up. Strike that.
- Do you live in Florida?
- ¹⁶ A. I do.
- Q. Okay. How long have you
- 18 lived in Florida?
- A. About 20 years.
- Q. Okay. So being a Florida
- resident in addition to being an employee
- of McKesson in the capacities that we've
- discussed, you understand that Florida
- has been hit very hard by the opioid

```
epidemic, correct?
1
2
           Α.
                  Yes.
3
                  Are you familiar with Gary
    Boggs at McKesson?
5
                  Yes, mm-hmm.
           Α.
6
                  Did you know him in any
7
    capacity prior to him joining the
8
    company?
9
                  I may have met him before.
10
    But I didn't know him.
11
                  Okay. You do know that he
12
    was with the DEA prior to joining
13
    McKesson, right?
14
           Α.
                  Yes.
15
                  And he works in the
            0.
16
    regulatory affairs department at McKesson
17
    presently, right?
18
           Α.
                  Yes.
19
                  And has for the past five
20
    years or so, right?
21
           Α.
                  Yes.
22
                    (Document marked for
23
            identification as Exhibit
24
           MCK-Mahoney-3.)
```

```
1
    BY MR. BOGLE:
2
                  I'm going to hand you what
    I'm marking Exhibit 1.851, also marked as
    Exhibit 3.
5
                  MR. SCHMIDT: Bill, when
6
           you're done with the exhibits,
7
           I'll just put them here. If we
8
           need to go back to any earlier
9
           ones --
10
                  MR. BOGLE: Yeah, we may
11
           bounce a little back and forth.
12
           But --
13
                  MR. SCHMIDT: I'll help you
14
           with that, which should be
15
           terrifying to everyone in the
16
           room. I'll do my best.
17
    BY MR. BOGLE:
18
                 All right. So Exhibit 3
19
    here, also marked as 1.851, is a
23
                  Do you see that?
24
           Α.
                  Yes.
```



- A. Mm-hmm.
- Q. Is that a yes?
- ³ A. Yes.
- Q. I'm sorry, I'm not trying to
- ⁵ be rude, just want to make sure --
- A. No, I understand --
- ⁷ understand.
- Q. The concept of a pill mill,
- ⁹ what does that mean to you?
- 10 A. The way I envision the pill
- mill is a doctor, doctor or doctor's
- office, in which people are seeing the
- doctor and getting opioids on the way
- ¹⁴ out.
- ¹⁵ Q. Okay.
- A. So from my exposure or
- things that I've seen, it would be a high
- volume-type operation.
- Q. Okay. In the term "pill
- mill" as used generally in -- strike
- 21 that.
- The term "pill mill" when
- you are talking about the sales of
- controlled substances is -- has a



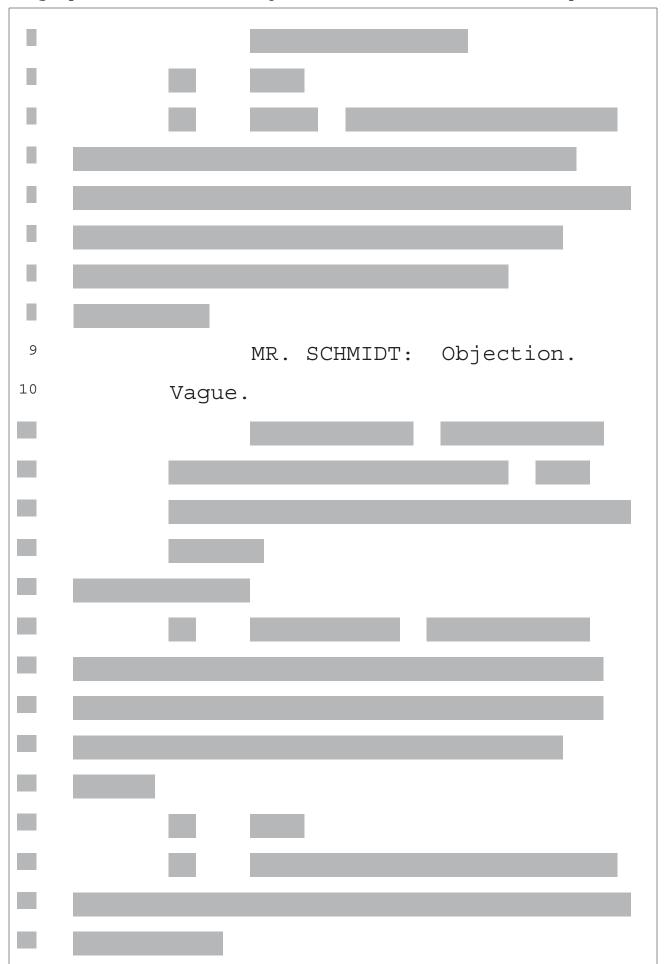




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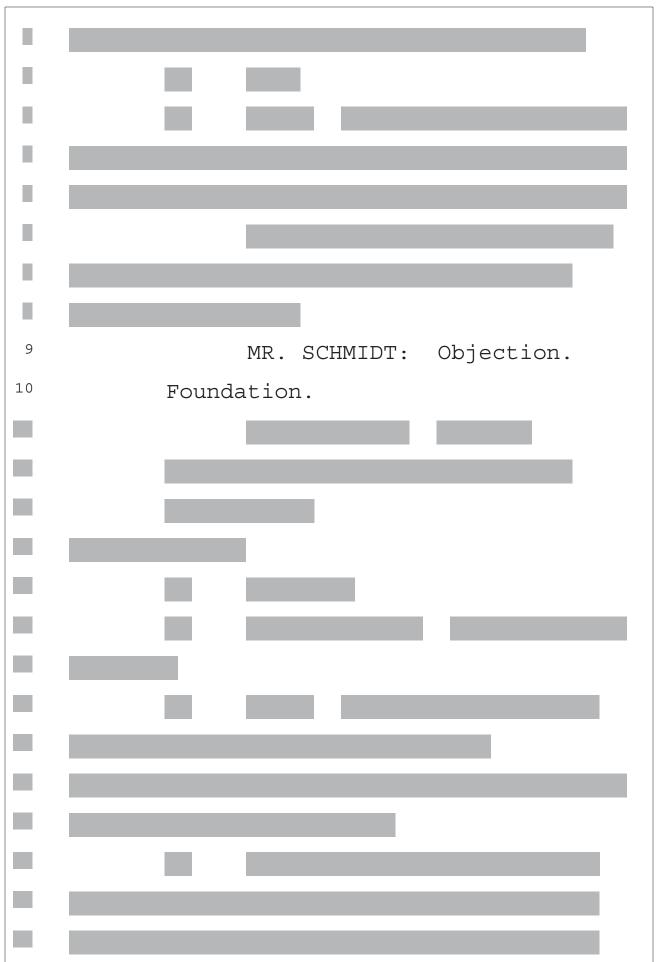




```
2
                   (Document marked for
           identification as Exhibit
3
           MCK-Mahoney-4.)
5
    BY MR. BOGLE:
6
                  I'm going to hand you next
7
    what I'm marking as Exhibit 1.1968, also
8
    marked as Exhibit 4 to your deposition.
9
                  And the start date here is
10
    MCK MDL 00651331.
11
                  Okay. So what I've given
12
    you here is Exhibit 4. The title is
20
                  Okay. And before we get
           Ο.
21
    into it, I have a few questions about it,
22
    but before we get there, ISMC, what does
23
    that stand for at McKesson?
24
                  Independent and small and
           Α.
```

ĺ			
1	medium	chain	•
2		Ο.	Okay.
_			
3		Α.	So it's a segment of the
4	retail	market	tplace.
5		Q.	Okay. It's a type of
6	pharma	cy cust	tomer; is that fair?
7		А.	Yeah.
		-	
	_	_	



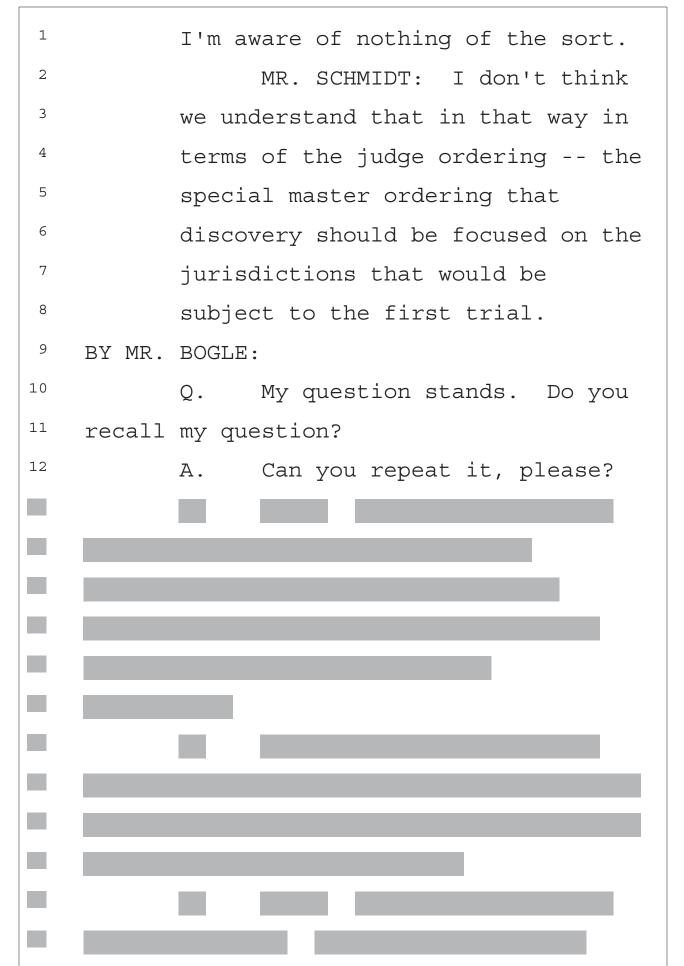




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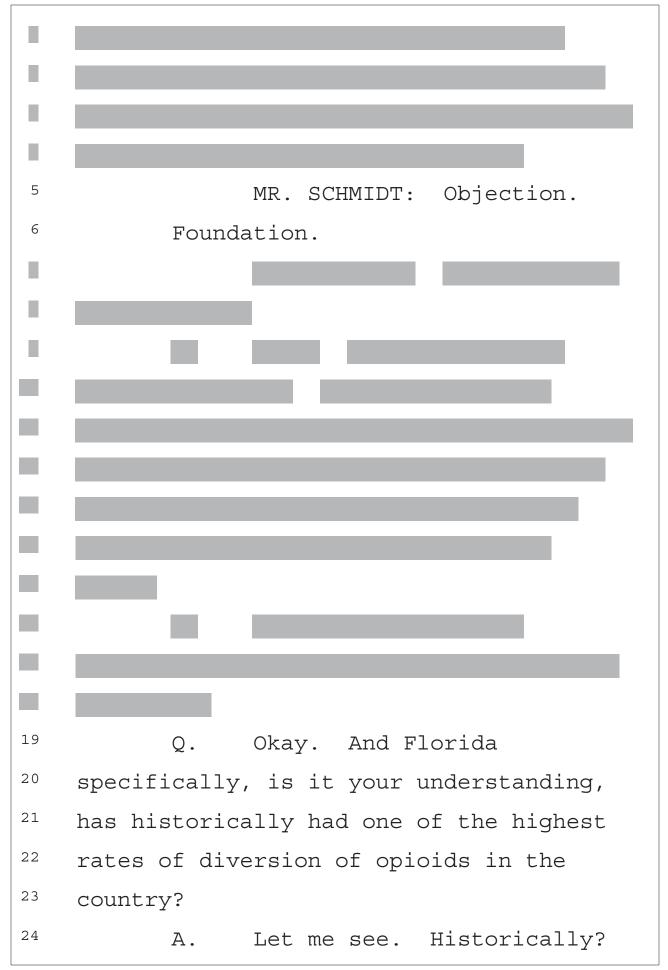


10	MR. SCHMIDT: Let me just
11	say, I think there was an issue in
12	one of the earlier depositions
13	about geographic focus
14	restriction. We're, I think, well
15	outside of it with Florida. I'd
16	ask you to kind of focus on what's
17	at issue geographically. And if
18	not, we'll obviously preserve our
19	objection and maybe seek relief on
20	that basis.
21	MR. BOGLE: Yeah, I mean,
22	you're certainly entitled to
23	object, but there's no geographic
24	restrictions as to what I can ask.



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1 Q. Yeah. So, well let me ask 2 you. Here, we'll just look at the document. We'll cut to it. 4 (Document marked for identification as Exhibit 5 6 MCK-Mahoney-5.) 7 BY MR. BOGLE: 8 Q. I'll hand you what's marked 9 as Exhibit 1.1434, also marked as 10 Exhibit 5, and start with Bates 11 MCKMDL00403517. That's as far as I can get 12 13 it. 14 Okay. We'll start with the





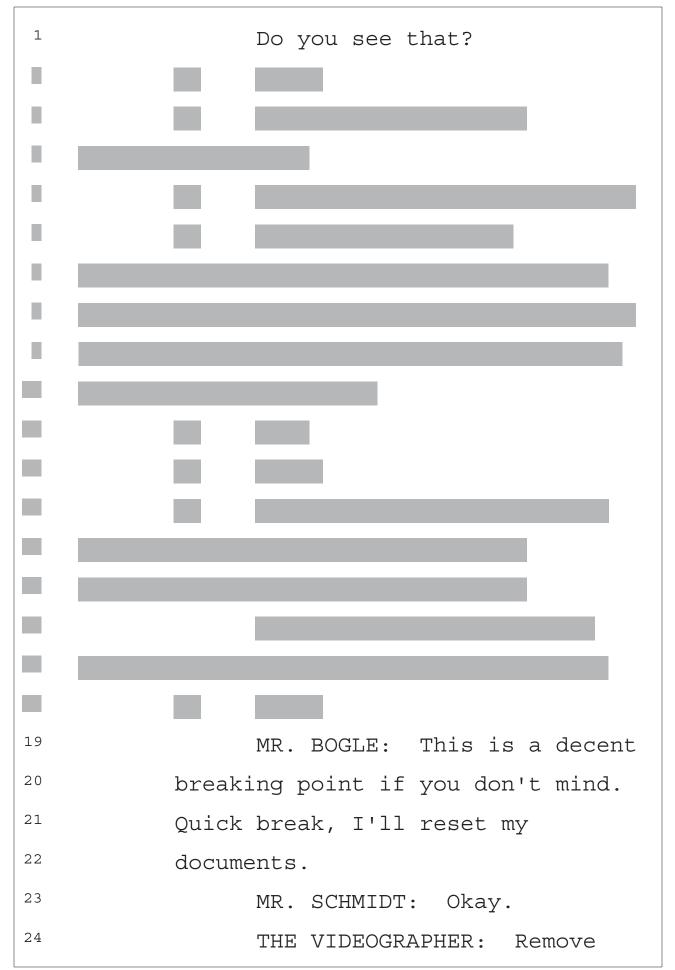
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8
                  Are you familiar with the
    concept known as migration when it comes
10
    to controlled substances?
11
                  MR. SCHMIDT: Objection.
12
           Vaque.
13
                  THE WITNESS: I have -- I'm
14
           not sure.
15
    BY MR. BOGLE:
16
                  Okay. Not sure if you ever
17
    heard that term used in the context of
18
    controlled substances?
                  I may have heard about it in
19
    various modes or forms.
20
21
                  Okay. Do you have any sense
22
    of what that means, again focused on
    controlled substances?
23
24
                  I think that one of the
```

- things, for example, that was seen was
- that as the states were doing their part
- 3 to fight the system, they were making
- 4 more tools available to doctors and
- 5 pharmacists that they could track what
- their patients were doing.
- So state by state, they were
- 8 implementing prescription monitoring
- 9 programs. And some states were early to
- embrace them, and some were later.
- And I think that one of the
- things that was observed was that that
- was a strong tool that caused abuse to
- move to states that did not have those
- 15 kinds of systems.
- So as they were
- implemented -- and I don't know when the
- 18 first one was implemented. But they may
- have moved from states where they were
- implemented. Maybe Kentucky and Ohio
- were among the early ones. And abuse
- moved to states where there were less --
- less strong monitoring programs.
- Q. Okay. Have you heard of the

- 1 concept of migration used in the sense of
- when controlled substances or even
- ³ illegal -- applies equally to illegal
- ⁴ drugs -- are supplied to a market,
- oversupplied to a market, when that
- 6 market is oversupplied, the excess will
- ⁷ tend to migrate somewhere else?
- 8 MR. SCHMIDT: Objection.
- ⁹ Vague.
- 10 BY MR. BOGLE:
- Q. Are you familiar with that
- kind of concept, migration?
- A. I can understand --
- MR. SCHMIDT: Same
- objection.
- Go ahead.
- THE WITNESS: I understand
- what you're saying.
- 19 BY MR. BOGLE:
- Q. Okay. Does that make sense
- to you?
- MR. SCHMIDT: Same
- objection. Vague.
- THE WITNESS: It sounds like

1 it makes sense. 2 BY MR. BOGLE: 3 Okay. And specifically talking about the State of Florida, there 5 has been significant migration of drug 6 diversion out of the State of Florida up 7 to the east coast and the Midwest, right? 8 I'm not sure. Α. 9 (Document marked for identification as Exhibit 10 11 MCK-Mahoney-6.) 12 BY MR. BOGLE: 13 I'm going to hand you what 14 I'm marking as Exhibit 1.1355, also marked as Exhibit 6. And it's Bates 15 16 Number MCKMDL00407451.





1 your microphones. The time is 2 10:12 a.m. Going off the record. 3 (Short break.) 4 THE VIDEOGRAPHER: We are 5 back on the record. The time is 6 10:27 a.m. 7 BY MR. BOGLE: 8 All right, Mr. Mahoney. 9 While you were distribution center 10 manager for Lakeland distribution center, 11 it was -- you had ultimate responsibility 12 for every pill that left the distribution 13 center, correct? 14 Α. Yes.



1 identification as Exhibit 2 MCK-Mahoney-7.) BY MR. BOGLE: O. And the start Bates number 5 is MCKMDL00496859. 6 You don't need to worry 7 about those numbers. They just tell me 8 that I have to read them off. Okay. So Exhibit 7 to 9



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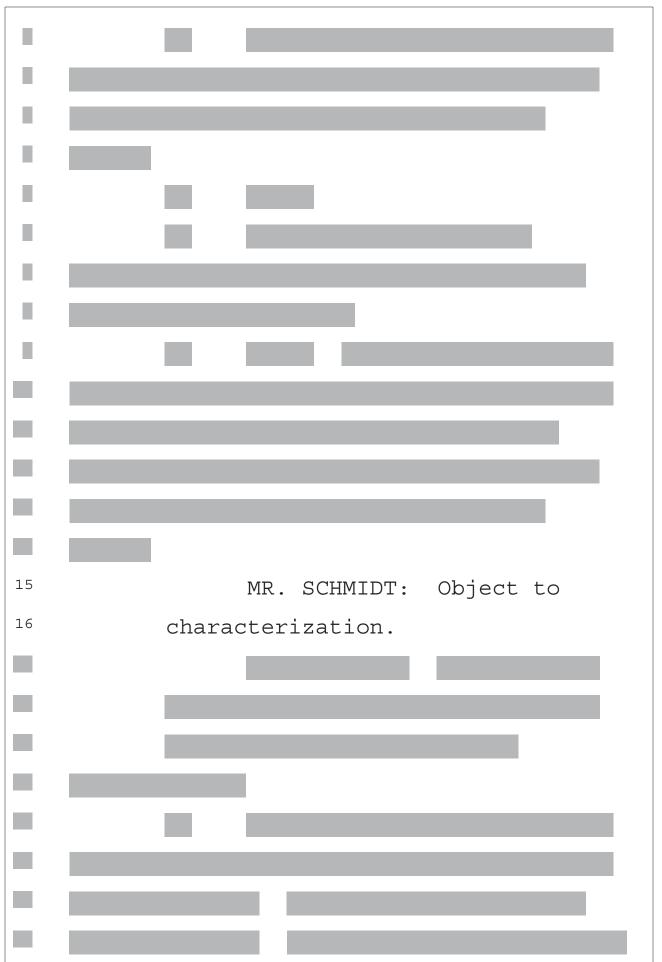








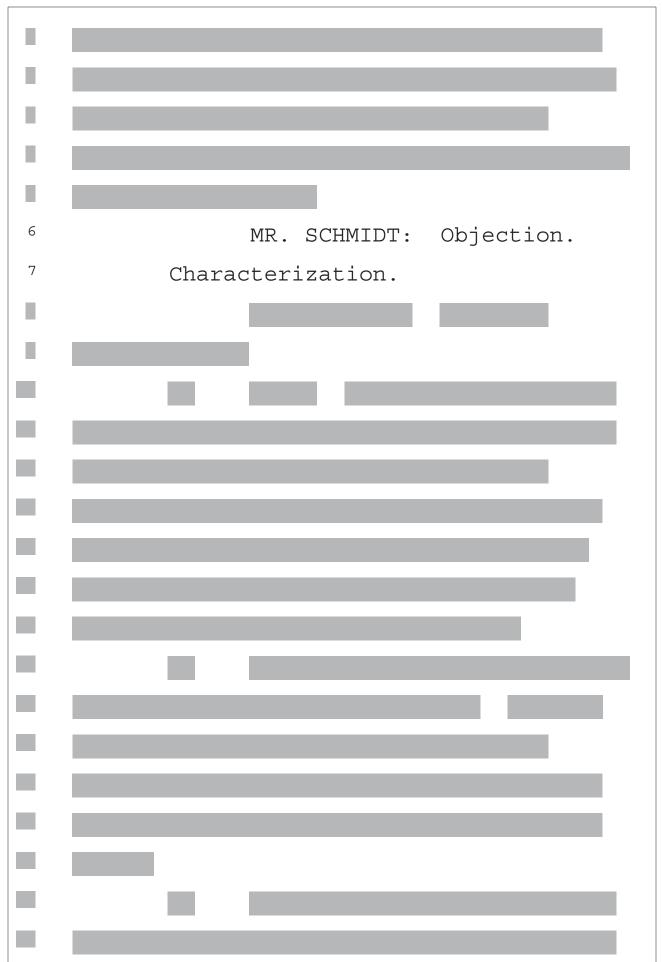




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Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 102 of 607 PageID #: 164814 Highly Confidential #: 184814 Review



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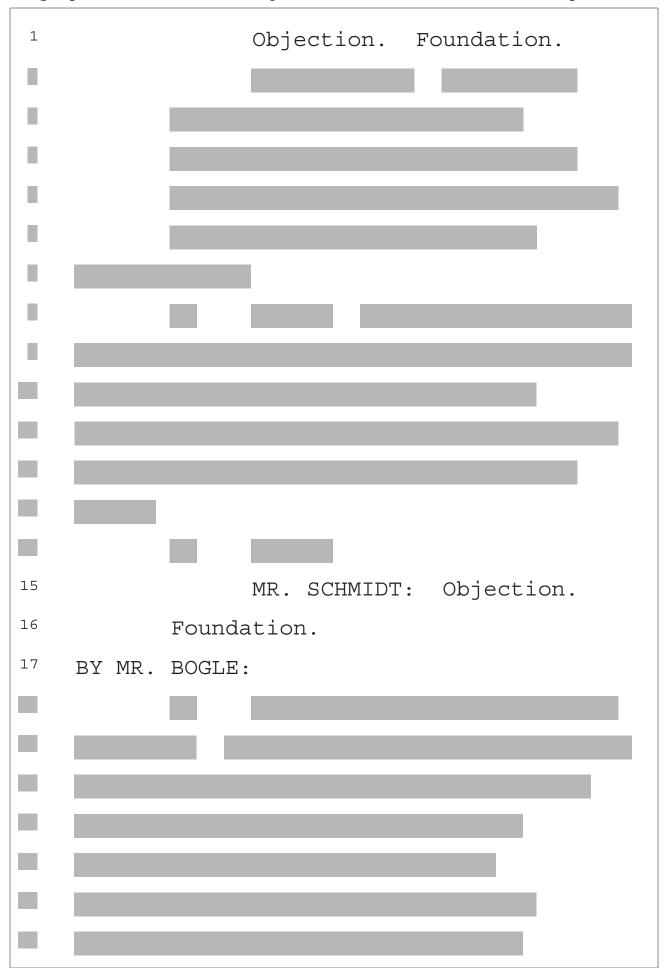
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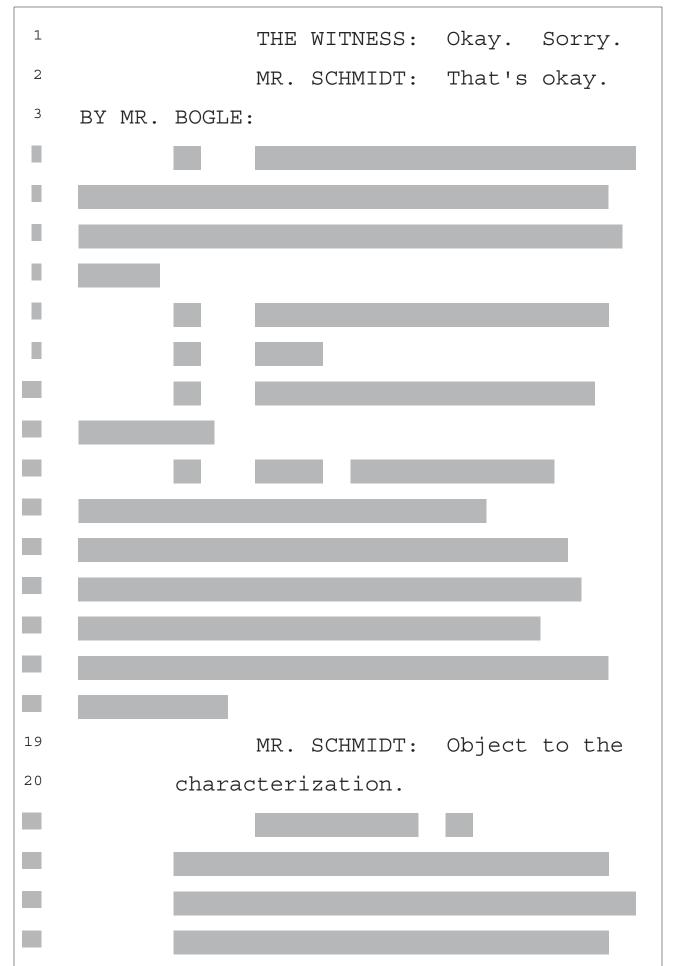
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```
8
                  MR. SCHMIDT: Objection.
9
           Characterization.
13
    BY MR. BOGLE:
14
           Q. Okay. I'm going to hand you
15
    what I'm marking as 1.1789. Also marked
16
    as Exhibit 8.
17
                  Start Bates Number is
18
    MCK MDL 00496876.
19
                   (Document marked for
20
           identification as Exhibit
21
           MCK-Mahoney-8.)
22
    BY MR. BOGLE:
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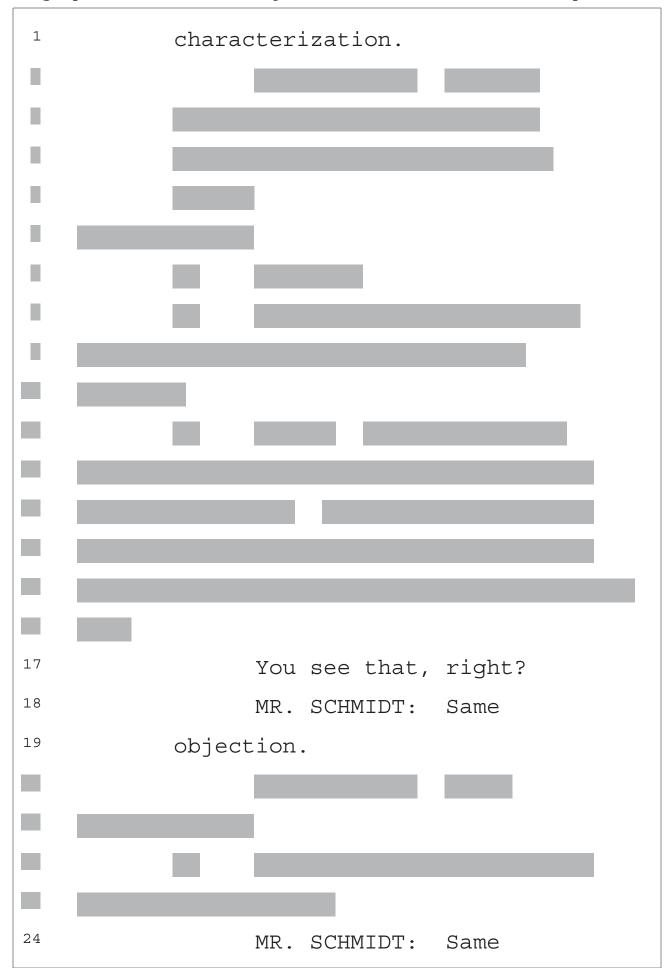
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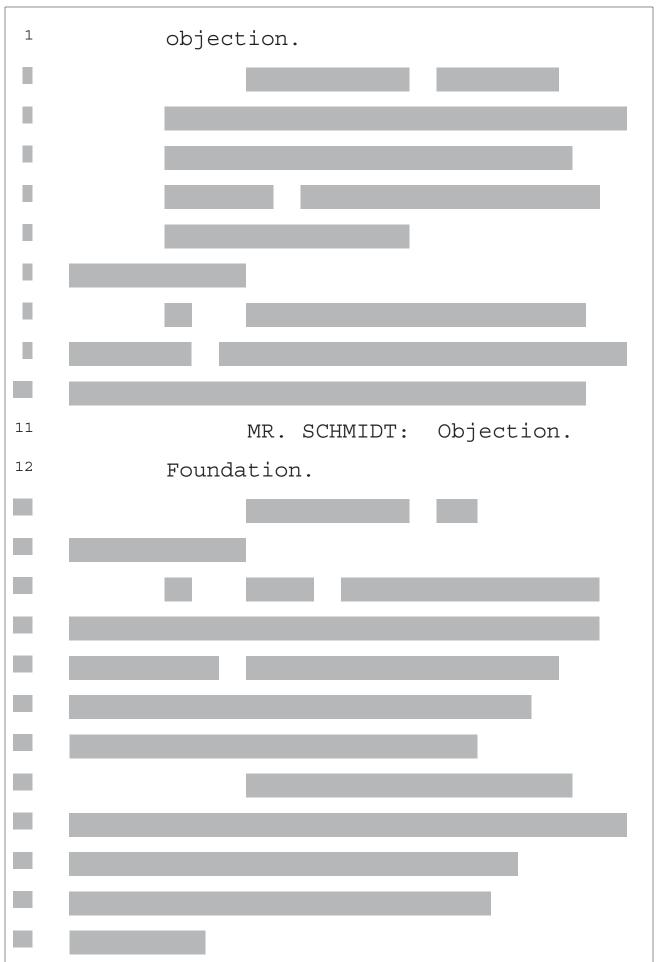


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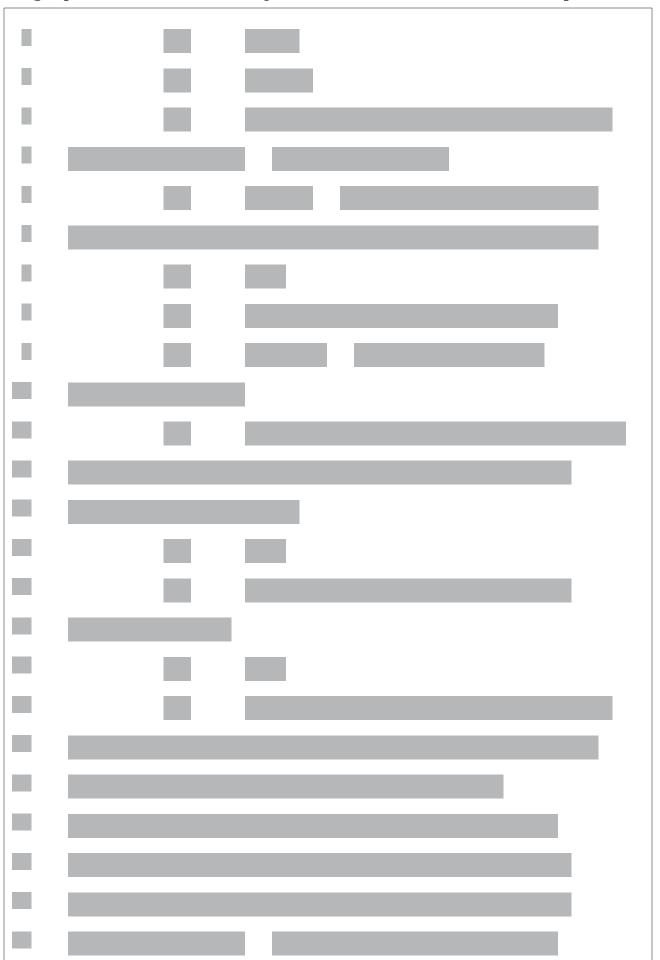
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Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 120 of 607 PageID # 164832 Highly Confidential # Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 121 of 607 PageID # 164833 Filed: 07/23/19 121 of 607 PageID # 164833 Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 122 of 607 PageID #: 164834 Highly Confidential #: 184834 Review



Case: 1:17-md-02804-DAP Doc.#: 1964-33 Filed: 07/23/19 123.of 607, PageID #: 164835 Review

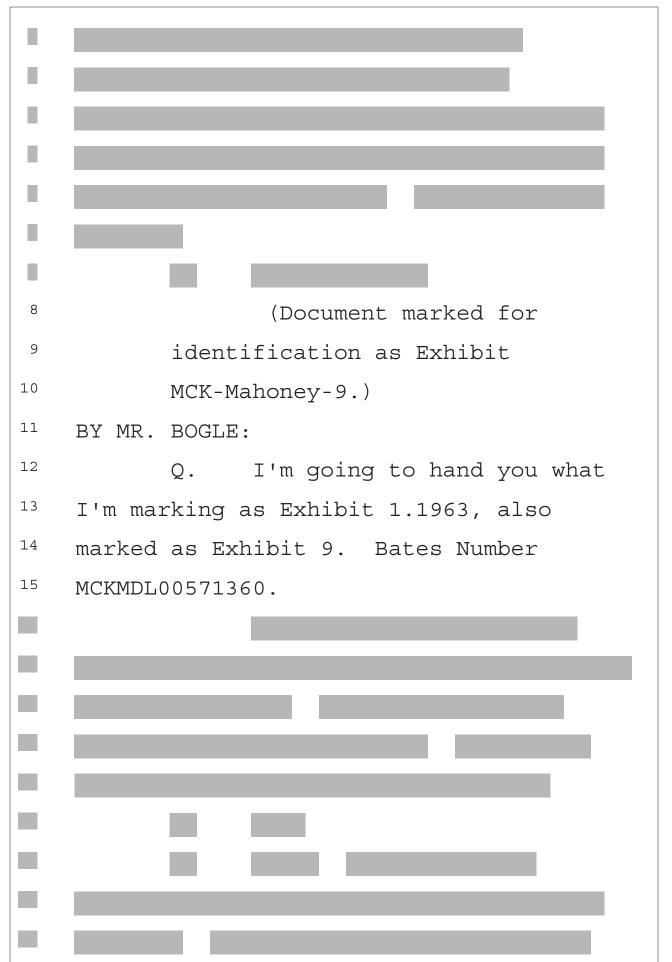


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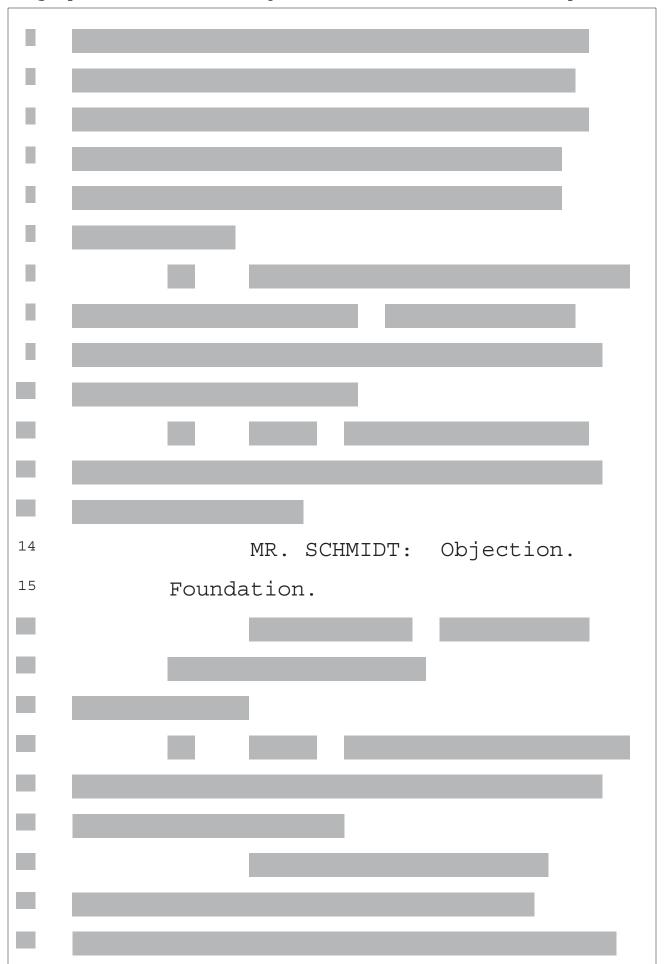
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 125 of 607 PageID # 164837 Highly Confidential # Review





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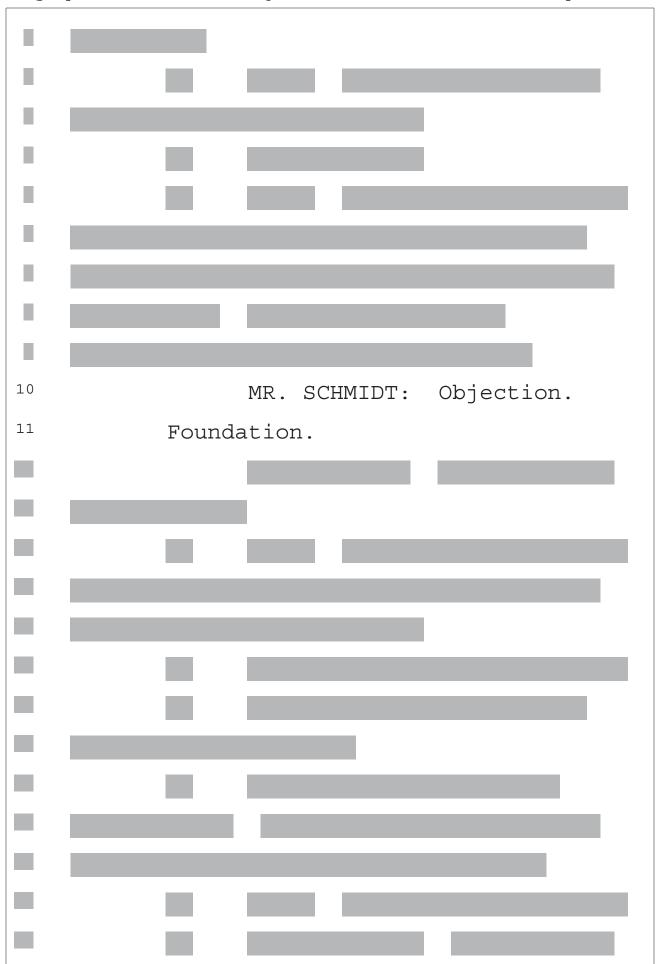


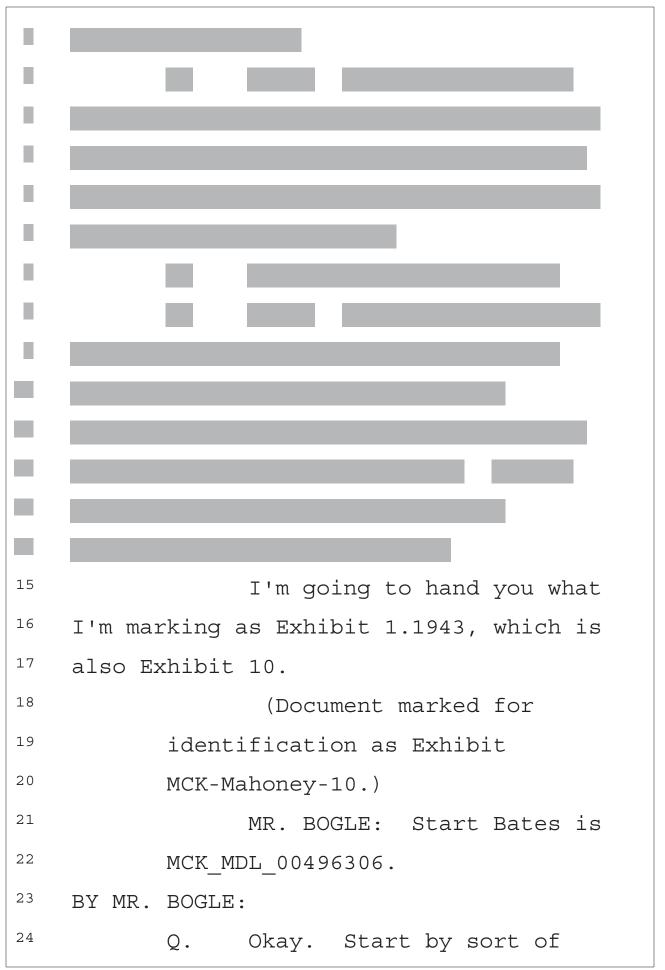
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 129 of 607 PageID # 164841 Highly Confidential # Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 130.of 607 PageID # 164842 Highly Confidential # Review







- orienting you to this document since it's
- a larger one here. You see on the front
- - ⁸ Q. Okay. Have you seen this
 - 9 before, this document?

- A. I'm not sure.
- Q. Okay. All right. Let's
- take a look first at, looking at the
- Bates numbers, it's 6309, excuse me.
- I think it's the third page,
- or the fourth page of the document?
- A. Mm-hmm.
- Q. And you see this is the
- actual order to show cause that was filed
- by the DEA, do you see that?
- A. Yes.
- Q. Okay. And you've seen this
- before, right?
- A. Yes.

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Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 135 of 607 PageID # 164847 Highly Confidential # Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 136.of 607 PageID #: 164848 Highly Confidential #: 184848 Further Confidential #: 184848



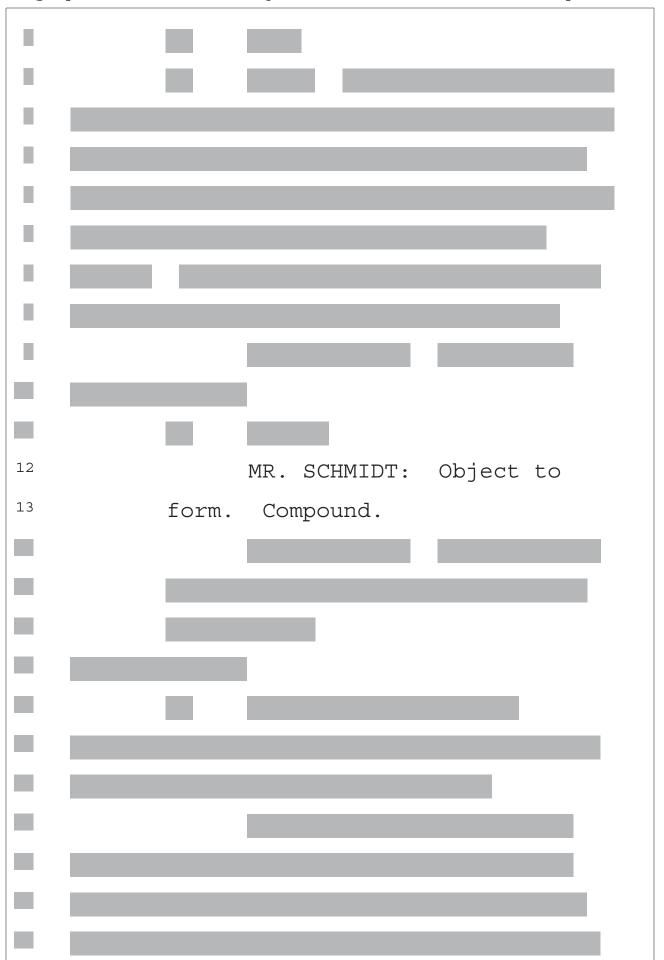
12 Do you see that? 13 Α. Yes. 14 This term "rogue internet Q. 15 pharmacies," what do you understand that 16 to mean? 17 I understand it to mean 18 illegal -- pharmacies that are acting 19 illegally to sell hydrocodone or 20 oxycodone or other -- other products. 21 0. Okay. 22 In some cases I think it was 23 Viagra and Cialis and that kind of thing.

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Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 141 of 607 PageID #: 164853 Highly Confidential #: 184853 Filed: 07/23/19 141 of 607 PageID #: 164853

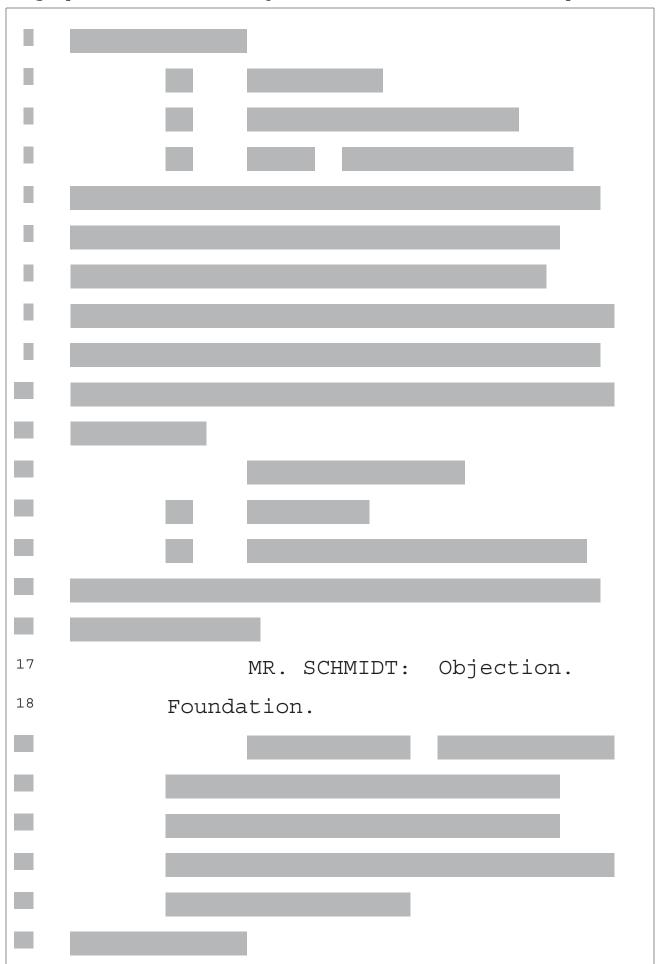




Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 143 of 607 PageID#: 164855 Highly Confidential#: Property Review







Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 146.of 607 PageID #: 164858 Highly Confidential #: 184858 Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 147 of 607 PageID #: 164859 Highly Confidential #: 184859 Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 148 of 607 PageID # 164860 Highly Confidential Further Confidential Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 149 of 607 PageID #: 164861 Highly Confidential #: 184861 Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 150 of 607 PageID # 164862 Highly Confidential # Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 151 of 607 PageID # 164863 Highly Confidential # Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 152 of 607 PageID #: 164864 Highly Confidential #: 184864 Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 153 of 607 PageID # 164865 Highly Confidential # Review

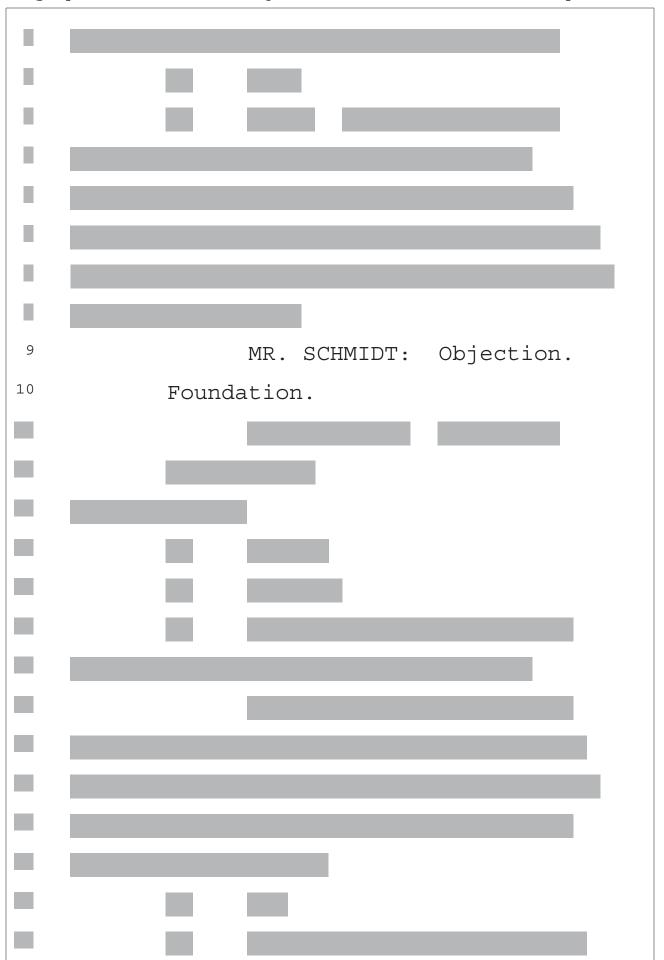


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 154 of 607 PageID # 164866 Highly Confidential # Review



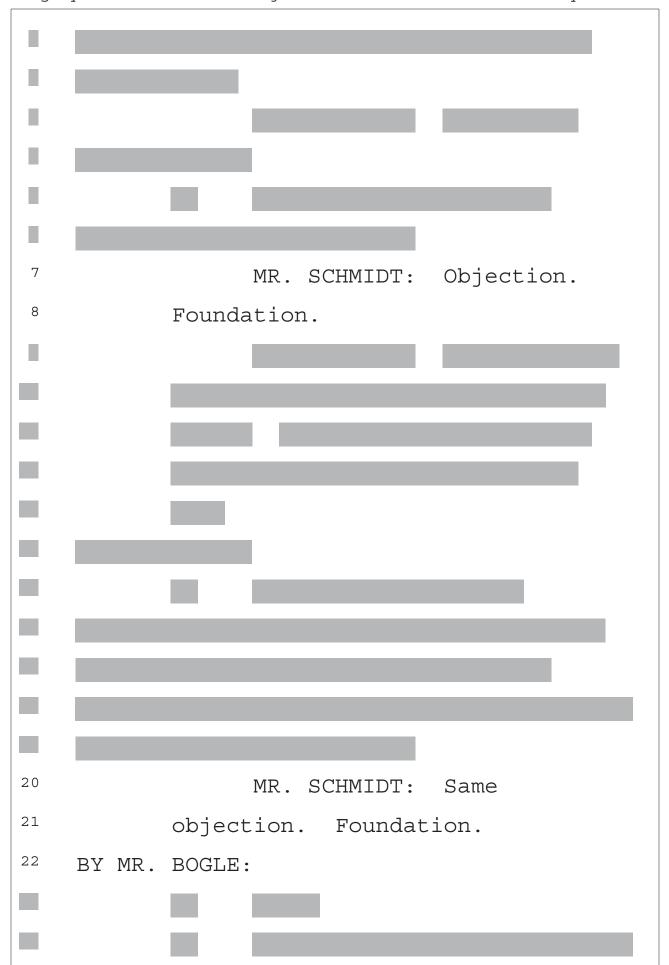
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 155 of 607 PageID # 164867 Highly Confidential # Review

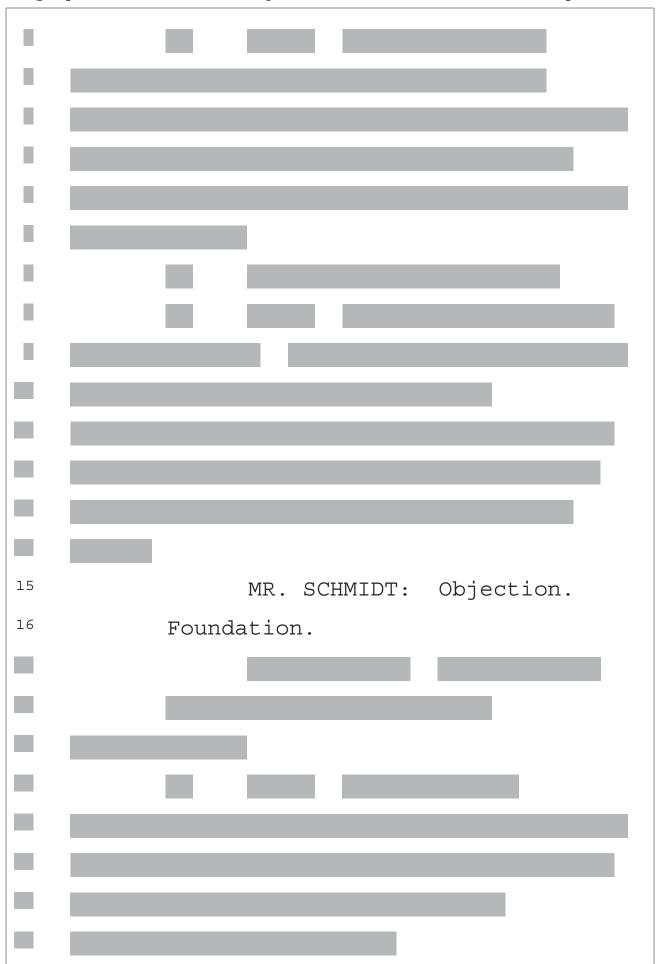




Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 157 of 607 PageID #: 164869 Highly Confidential #: 184869 Review



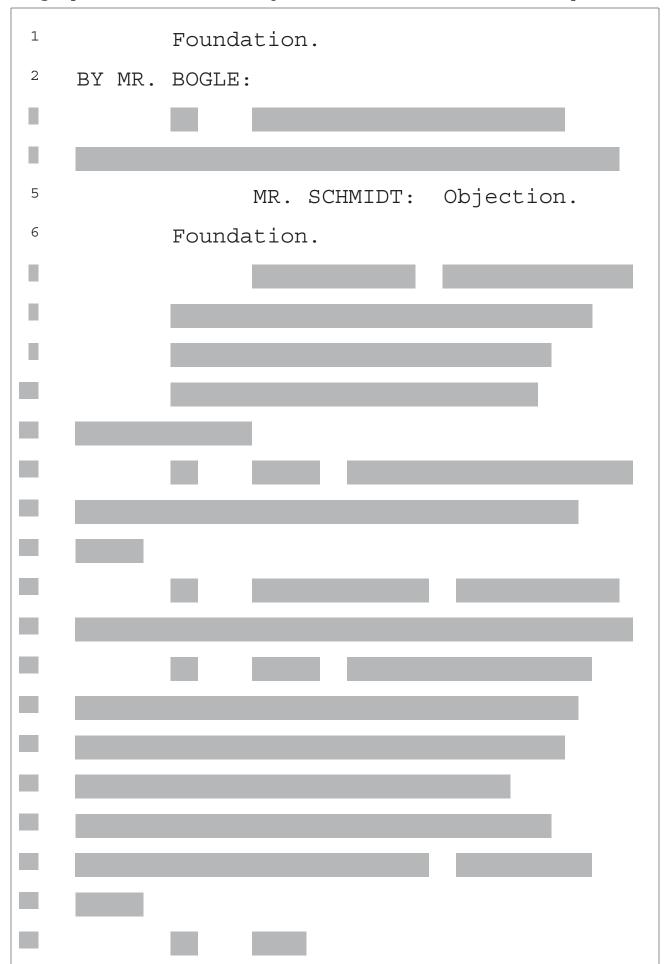


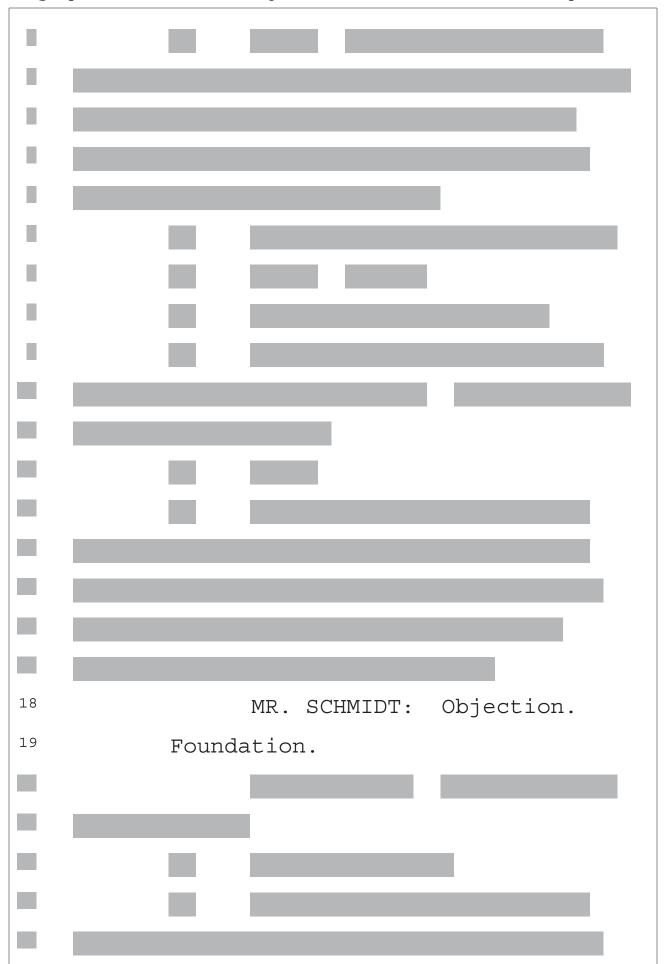


```
1
                 MR. SCHMIDT: Objection.
2
           Foundation.
5
    BY MR. BOGLE:
6
                 Okay. I'm going to hand you
7
    what I'm marking as Exhibit 1.1947.
8
    Exhibit 11. Start Bates is
    MCK MDL 00497154.
10
                   (Document marked for
11
           identification as Exhibit
12
           MCK-Mahoney-11.)
13
                 MR. SCHMIDT: Are you done
14
           with this one?
15
                 MR. BOGLE: I'm done for
16
           now, but it's one we'll come back
17
           to at some point. So however you
18
           want to deal with that.
19
                 MR. SCHMIDT: I'll dig it
20
           out when we come back to it.
21
                 MR. BOGLE: It's an easy one
22
           to find.
23
    BY MR. BOGLE:
24
                 Okay. So I want to
           Q.
```











4	MR. SCHMIDT: Same
5	objection.
7	BY MR. BOGLE:
8	Q. Okay. All right. I'm going
9	to hand you what I'm marking as
10	Exhibit 12, which is also marked as
11	1.1951.
12	(Document marked for
13	identification as Exhibit
14	MCK-Mahoney-12.)
15	MR. BOGLE: Bates number
16	MCKMDL00496536.
17	MR. SCHMIDT: While he's
18	looking at that I think we're
19	about an hour. Maybe after this
20	document, can we take a break?
21	MR. BOGLE: Yeah, we can
22	take one now if you want.
23	MR. SCHMIDT: No, if you
24	want to go through the document.

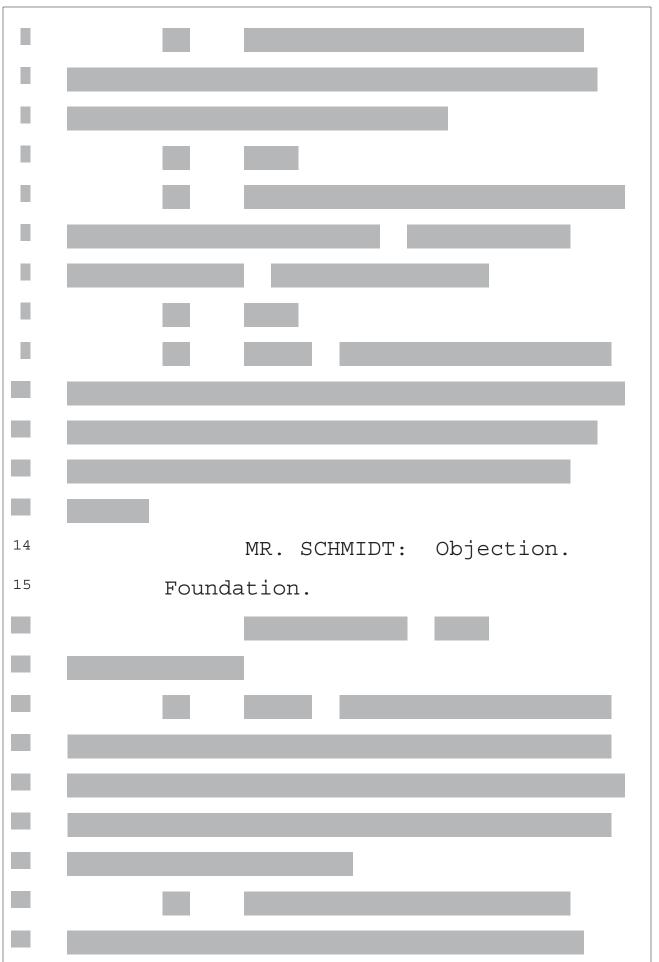
1 I don't want you to get --2 BY MR. BOGLE: 3 Well, I'll hand you -- all right. And again, this is government 5 Do you see that statement on Exhibit 3. 6 it there? 7 Mm-hmm. Α. 8 And I'll represent to you 0. 9 this came from McKesson as being part of the show cause exhibits for the Lakeland 10 11 show cause proceeding that was given to 12 us. 13 A. Mm-hmm. 14 You see there's actually a Ο. 15 stamp at the bottom, Drug Enforcement 16 Administration. 17 Right. Α. 18 Right? Do you see that? Ο. 19 Mm-hmm. Α.

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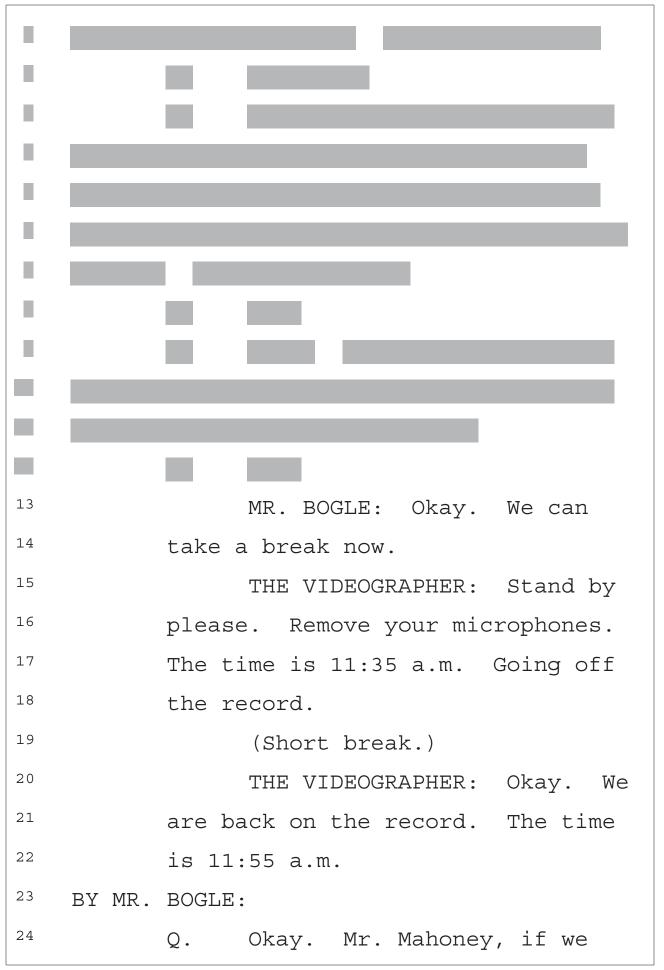


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 171 of 607 PageID # 164883 Highly Confidential # Review



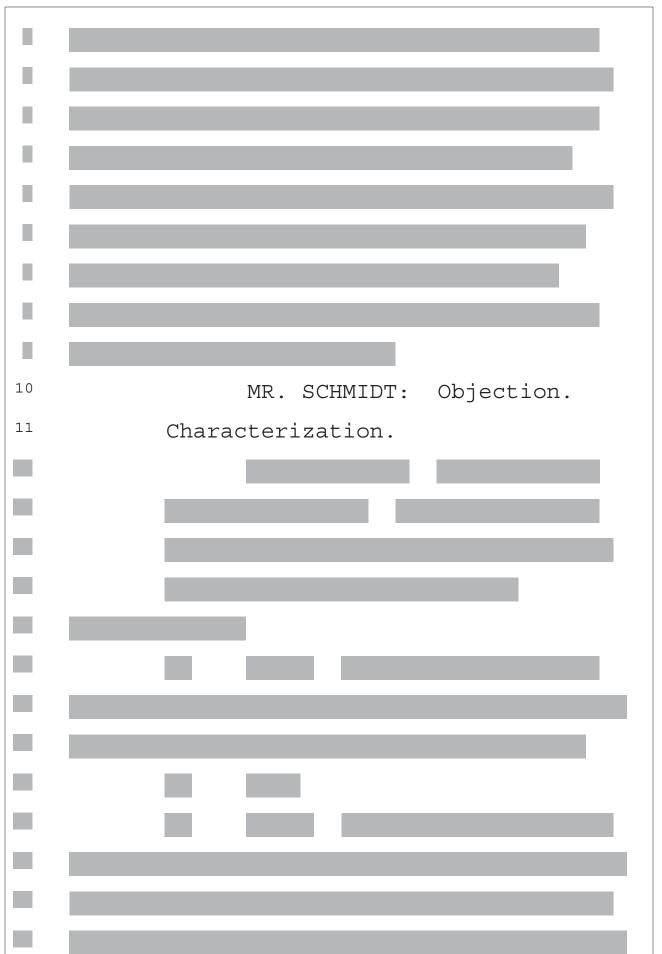
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 172 of 607 PageID #: 164884 Highly Confidential #: 184884 Review

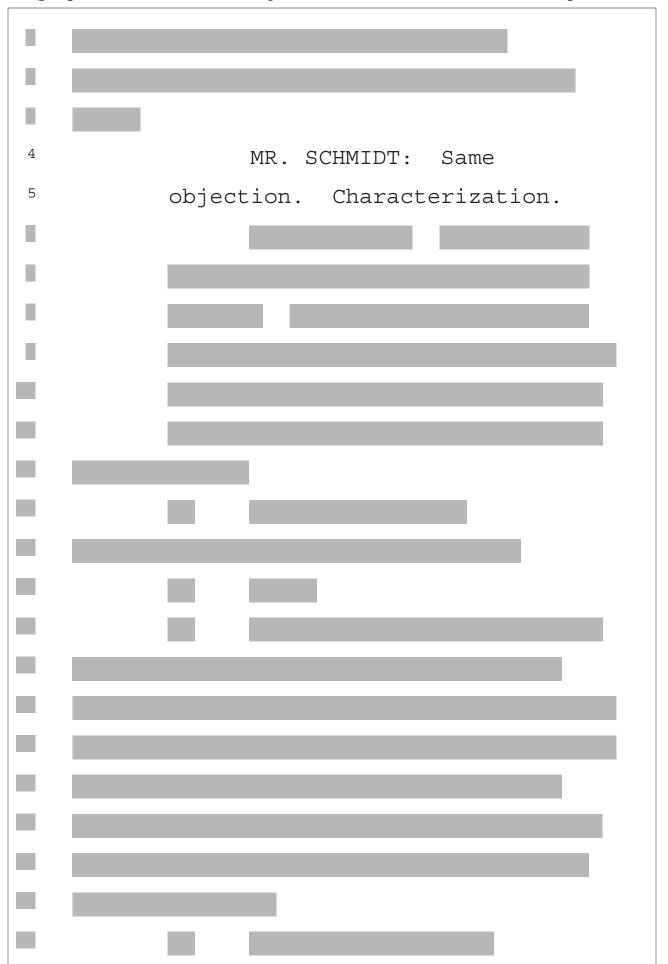




Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 174 of 607 PageID #: 164886 Highly Confidential #: 184886 Further Confidential #: 184886



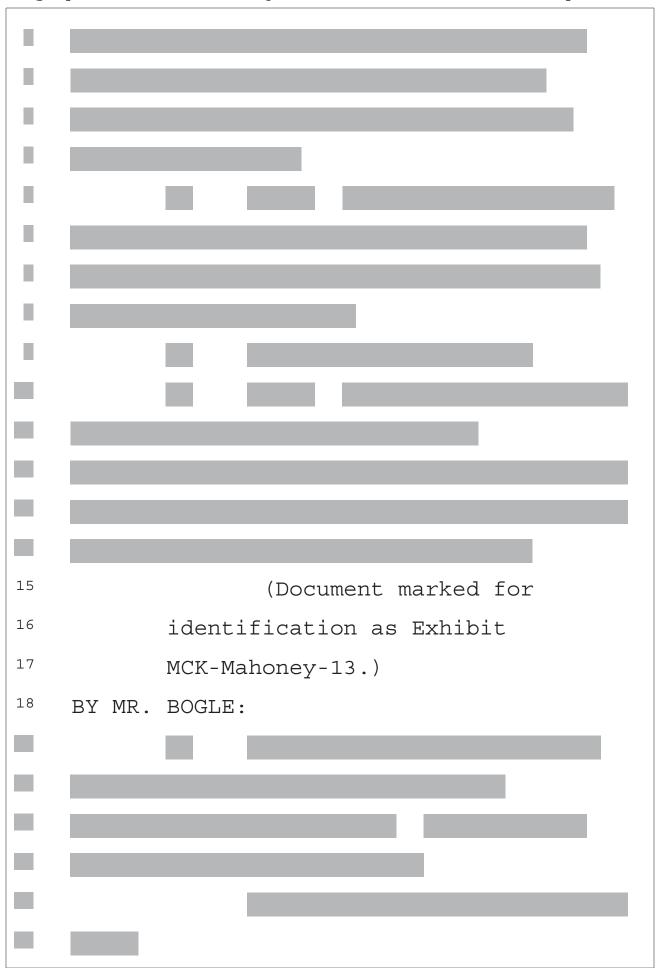




Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 177 of 607 PageID #: 164889 Highly Confidential Ey Review

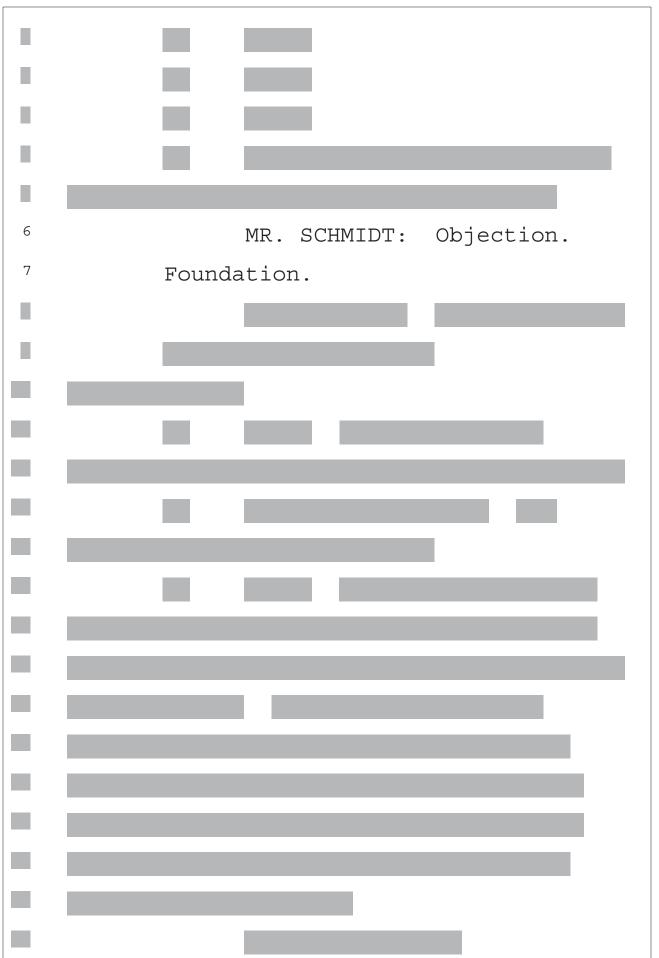


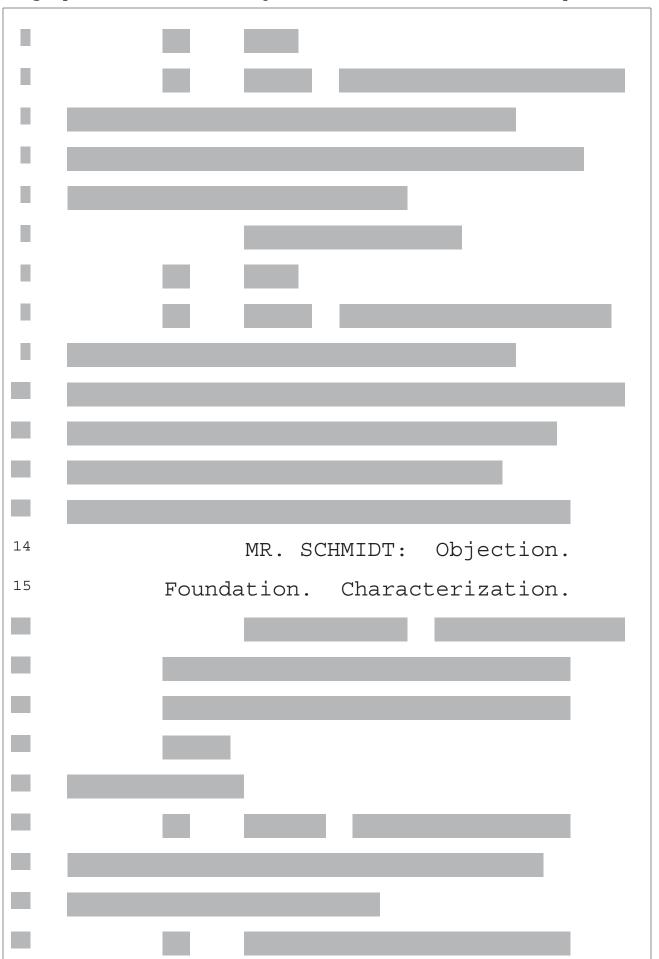


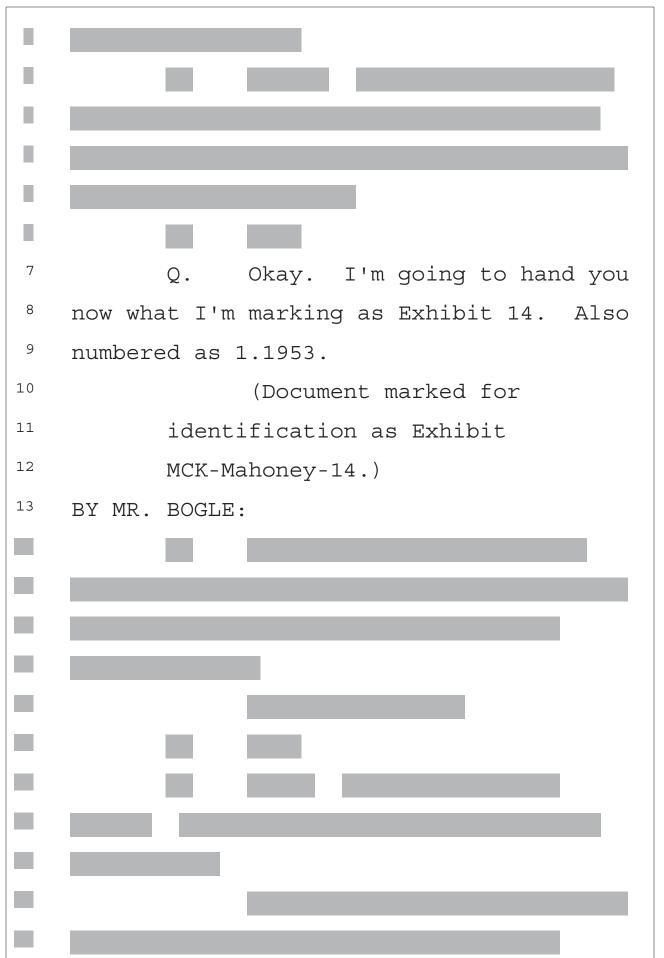


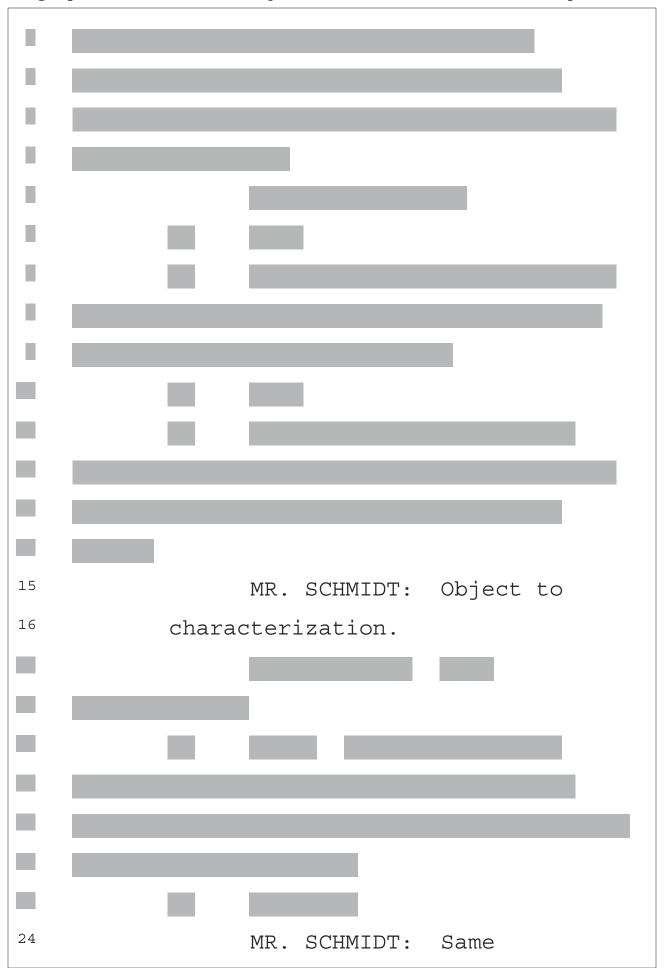
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 180 of 607 PageID # 164892 Highly Confidential # Review

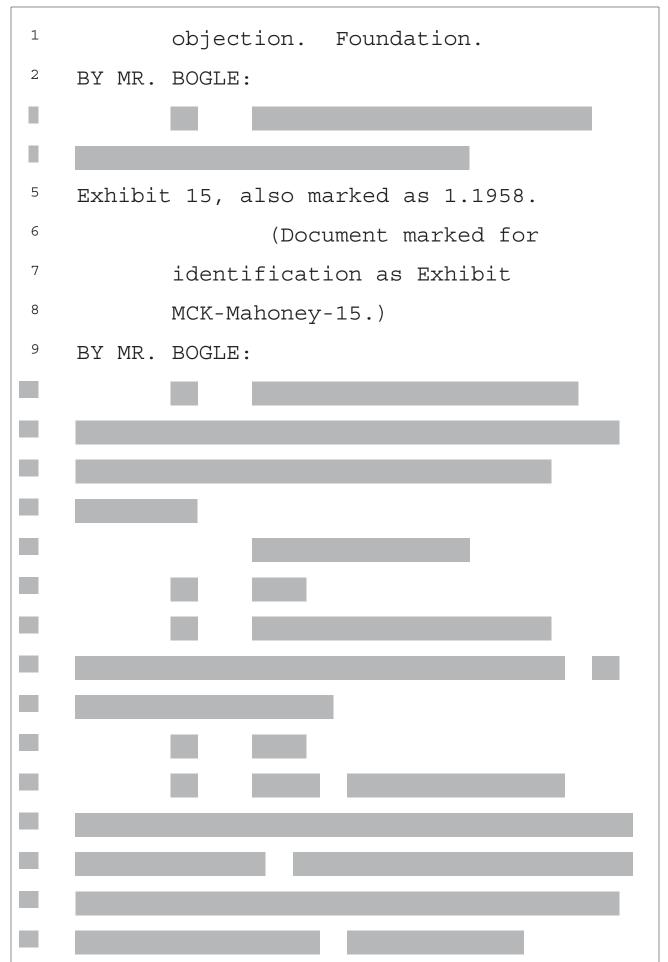












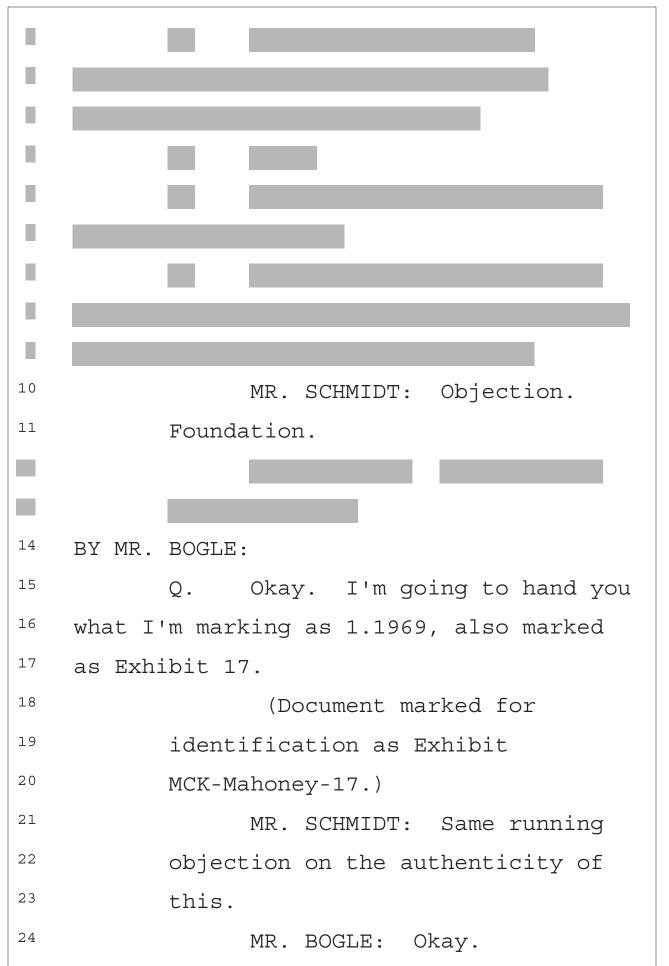


```
7
                  I'm going to hand you what
           Ο.
    I'm marking as Exhibit 16. Also marked
8
9
    as 1.1970.
10
                   (Document marked for
11
            identification as Exhibit
12
           MCK-Mahoney-16.)
13
    BY MR. BOGLE:
14
                  This is an article that I
15
    pulled off the internet from the Ledger
16
    titled "Pharmacy Raided by DEA Agents,"
17
    posted November 17, 2006.
18
                  Do you see that?
19
           Α.
                  Yes.
20
                  Okay. And it says -- and
           Q.
21
    from Lakeland, "A local pharmacy's
22
    license was suspended Thursday after it
23
    was raided by agents from the U.S. Drug
24
    Enforcement Administration."
```

```
1
                  MR. SCHMIDT: Can I just
2
           have an ongoing, running objection
3
           to the questions on this document,
           this unauthenticated document?
5
                  MR. BOGLE: Okay.
6
    BY MR. BOGLE:
7
                  "Federal agents, with help
           Ο.
8
    from local law enforcement agencies,
9
    seized several boxes of prescription
10
    drugs from Medcenter Pharmacy located
    at" -- and it provides the address in
11
12
    Lakeland. And it says, "Agents also
13
    raided a sister store at 4607 Clark
14
    Avenue in Tampa that operated under the
15
    name MediPharm-Rx, Inc."
16
                  Do you see that?
17
           Α.
                  Yes.
```

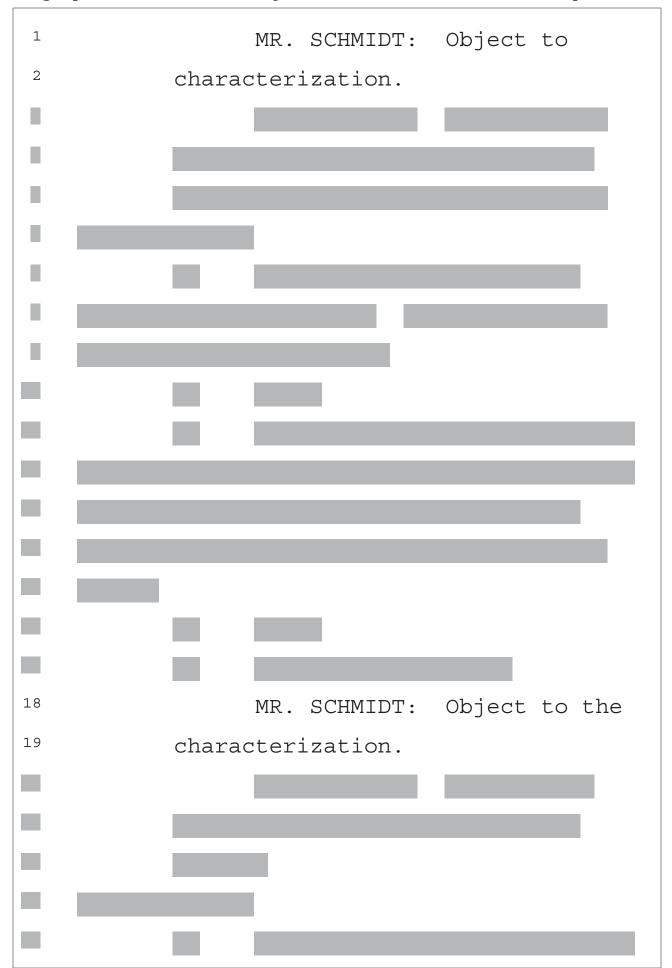
7 And it says, "Both 8 pharmacies are owned by a Robert L. 9 Caddick, whose last known address was in Oviedo, " also in Florida, right? 10 11 Α. Oviedo? Yeah. 12 And then it says, "Jeannette 13 Moran, spokeswoman for the DEA's Miami 14 field office, said that both pharmacies' 15 licenses to sell controlled substances 16 have been suspended." And then it goes 17 on to say, "She said the DEA considers 18 the operation as a whole to be an 19 imminent danger to public health and 20 safety." 21 Do you see that reference? 22 Α. Yes. 23 And she says -- "She said agents pulled 635,000 doses of 24

prescription medicines from the Tampa 1 2 location. Most of those medicines were hydrocodone, sold as Vicodin, and alprazolam sold as Xanax." 5 Do you see that? 6 Yes. Α.



- ¹ BY MR. BOGLE:
- 2 O. You see this is an article
- ³ from the Tampa Tribune published
- ⁴ March 17, 2008.
- Do you see that?
- ⁶ A. Yes.
- ⁷ Q. Okay. On the second page,
- 8 in the middle, I'll kind of point to it
- 9 if it helps you. It says, "The DEA also
- 10 arrested."
- A. Okay.
- Q. It says, "The DEA also
- 13 arrested two men tied to a Tampa pharmacy
- the agency had targeted in
- November 2006." That's the time frame we
- just looked at, right, where they were
- raided; is that right?
- A. Yes.
- Q. Okay. And it lists the
- first person's name. The second name is
- "Robert Caddick, 51, of 1007 Eagens
- ²² Creek, Oviedo, were arrested on federal
- charges of conspiracy to possess with
- intent to distribute hydrocodone, an

1 opiate nearly equivalent to morphine for pain relief." 2 And it's noted further on 3 down there that Mr. Caddick was the owner 5 registered agent of MediPharm-Rx. Do you 6 see that? It's a couple sentences down 7 from there. 8 I see it. Yes. Α.



```
5
    I'm going to guide you. So it should be
6
    Exhibit 10.
7
           A. 10.
8
                 It's the biggest one.
           0.
9
                 Right.
           Α.
10
                 MR. SCHMIDT: It's the big?
11
                 MR. BOGLE: The biggest
12
           document. 1943.
13
                 MR. SCHMIDT: I just wanted
14
           to get that on the record twice.
15
           No, the second part. Go ahead.
16
           I'm giving you a hard time.
17
                 MR. BOGLE: No problem.
18
           It's easy to do.
19
    BY MR. BOGLE:
20
                 All right. So let's go to
           Ο.
21
    Page 6444, on the Bates numbers on the
22
    left. I think this will address what you
23
    want to look at.
24
                 Okay. And this is some
```

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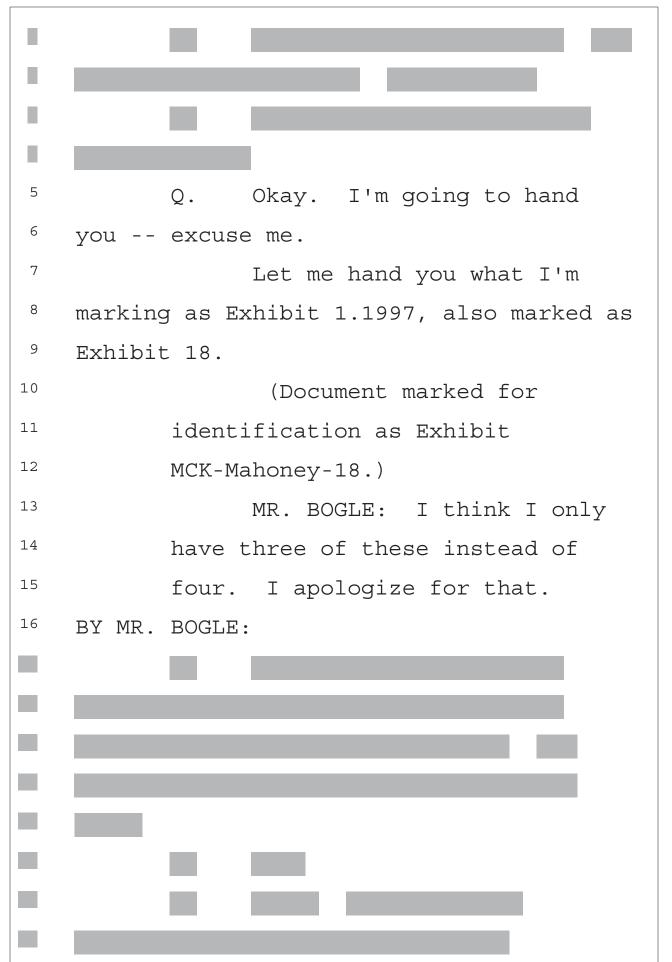


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 198 of 607 PageID # 164910 Highly Confidential Further Confidential Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 199 of 607 PageID #: 164911 Highly Confidential #: 184911 Review





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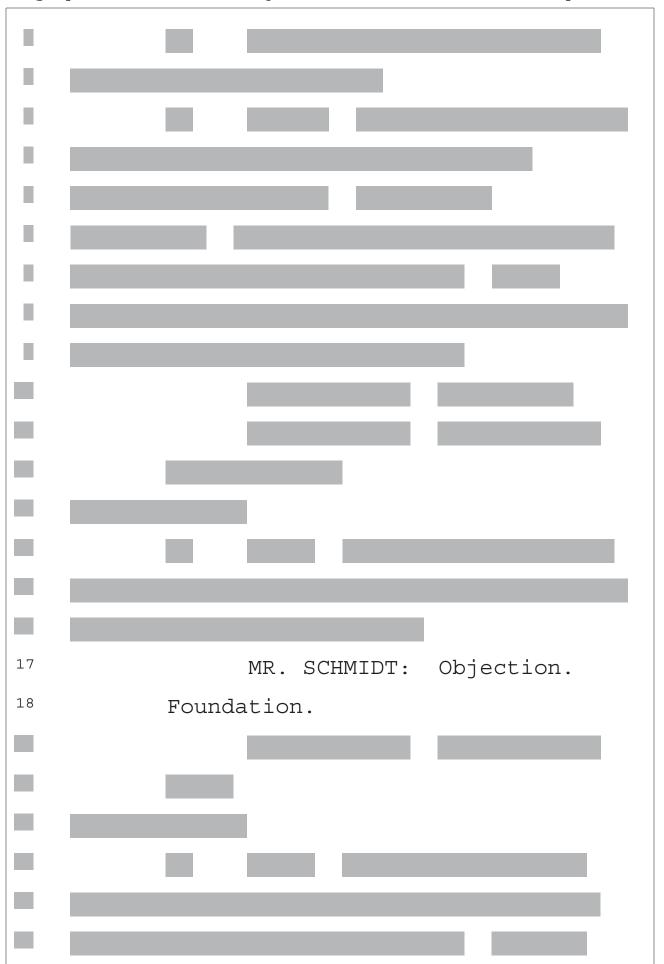


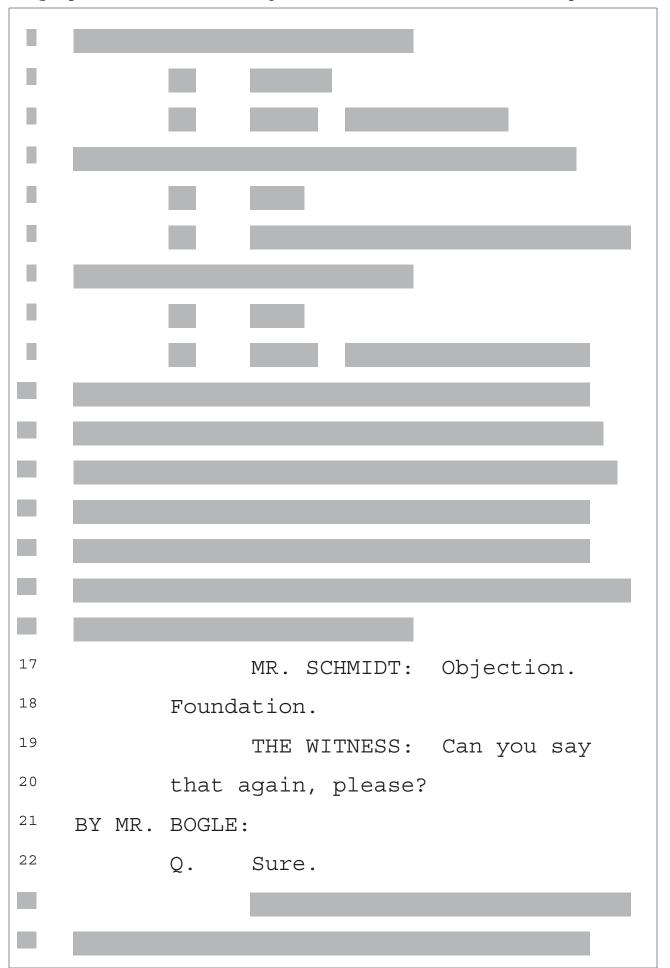
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 202 of 607 PageID # 164914 Highly Confidential # Review



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Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 206.of 607 PageID #: 164918 Highly Confidential Expression Further Confidential Expression Review

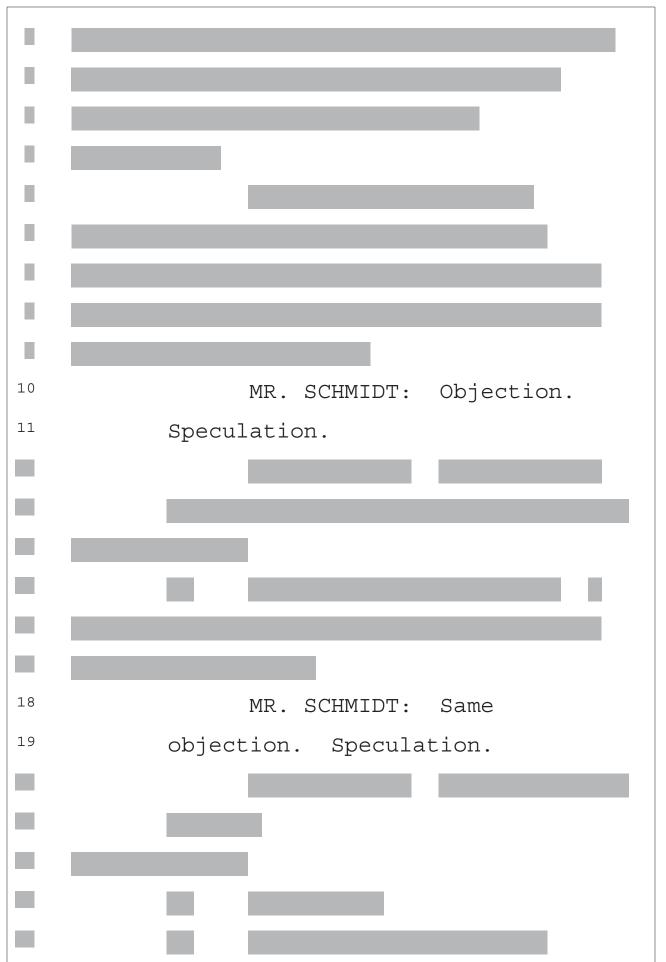


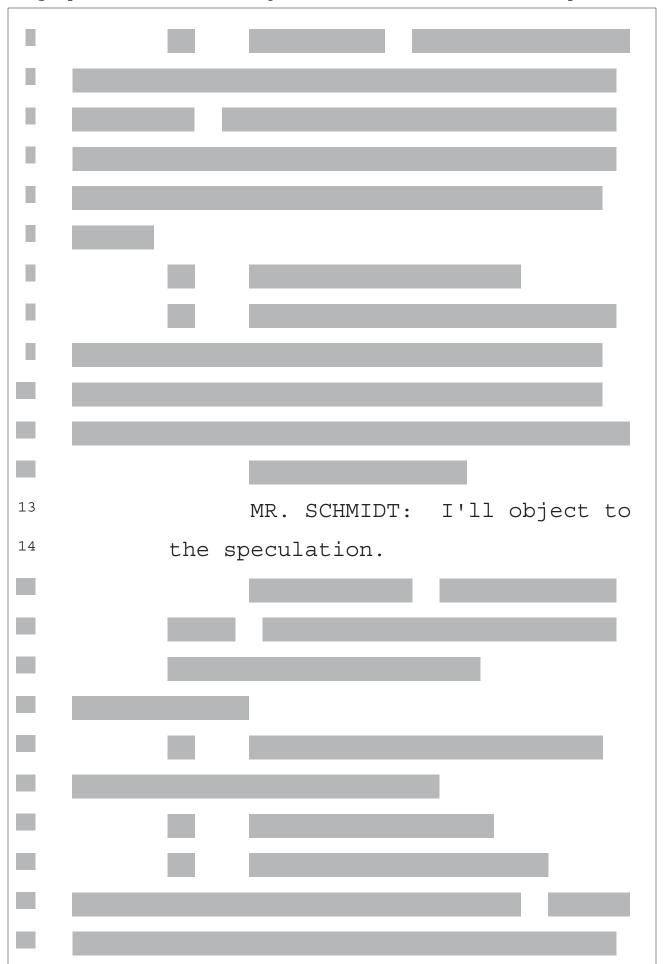
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 207 of 607 PageID # 164919 Highly Confidential Ey Review

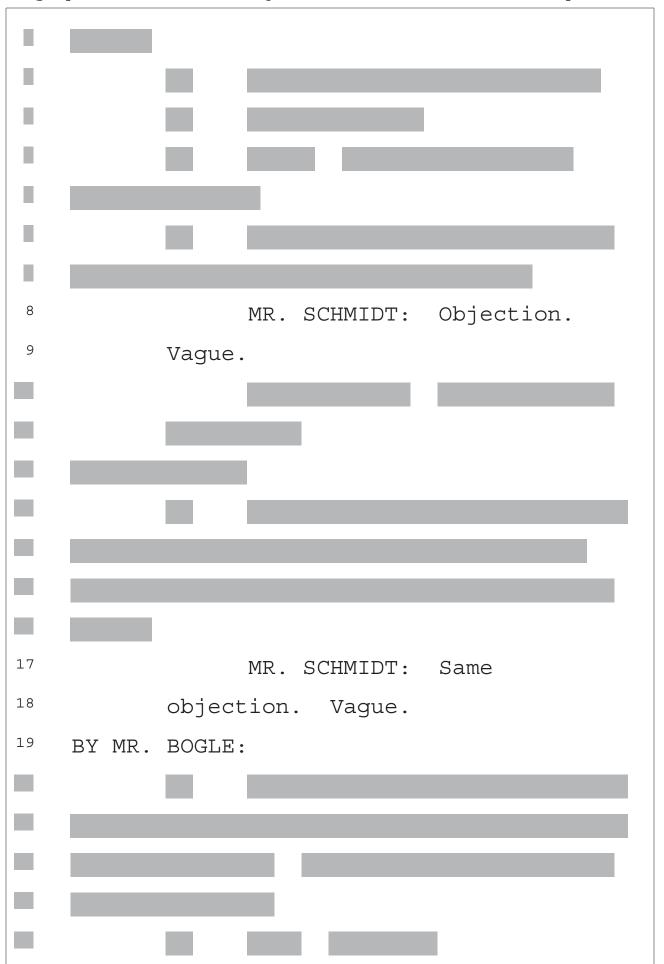


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 208 of 607 PageID # 164920 Highly Confidential Ty Review



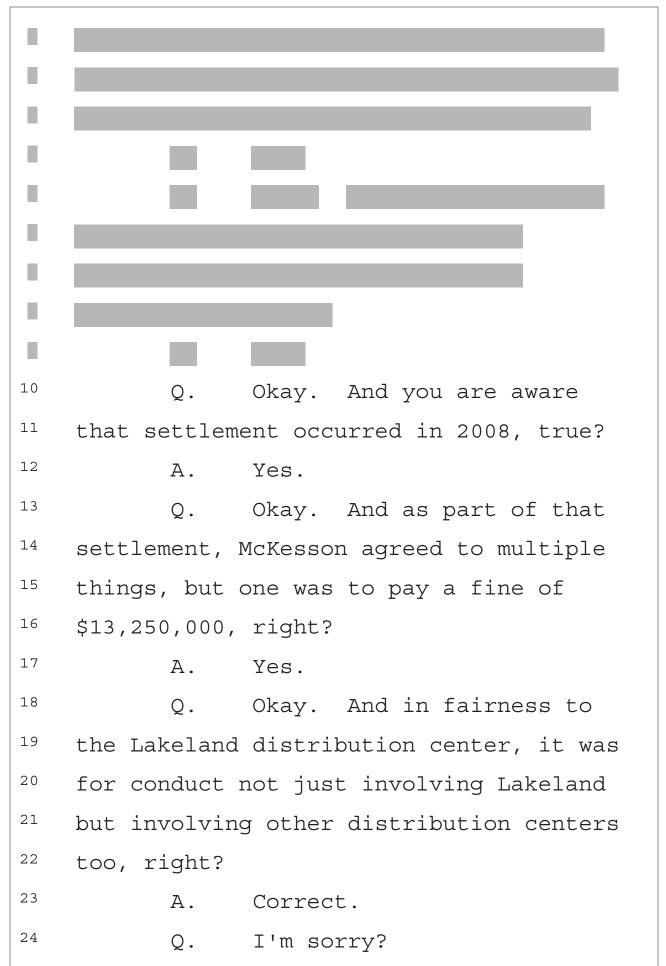






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```
1
                  Yes.
           Α.
2
                  Okay. Have you seen the
           Ο.
    settlement agreement from the 2008
    settlement?
5
           A. Yes.
6
                  You have? Okay.
           0.
7
                  I want to take a look at a
8
    couple aspects of that with you here.
9
                  I'll hand you what I'm
10
    marking as Exhibit 19, also marked as
11
    Exhibit 1.889.
12
                   (Document marked for
13
            identification as Exhibit
14
           MCK-Mahoney-19.)
15
    BY MR. BOGLE:
                  This is titled "Settlement
16
17
    and Release Agreement and Administrative
18
    Memorandum of Agreement" dated, on the
19
    first page, 2nd day of May, 2008.
2.0
                  Do you see that?
21
           Α.
                  Yes.
22
                  Okay. So this is a document
           O.
23
    that you've seen before, true?
2.4
                  I believe so.
           Α.
```

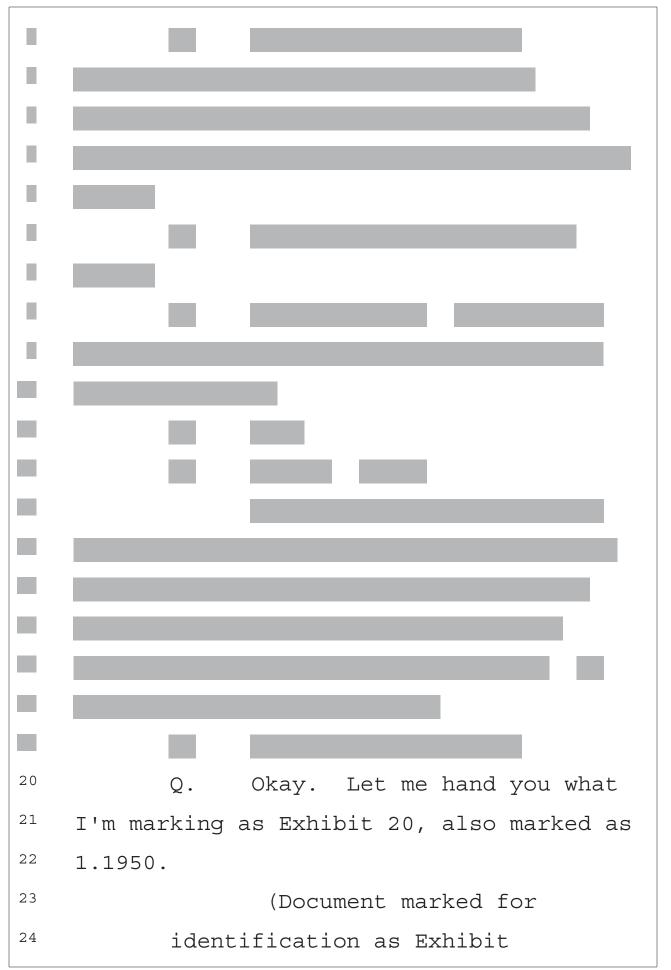
- Q. Okay. Do you want to -- if
- you want to look at something first, just
- 3 let me know.
- ⁴ A. Yeah, let me just take a --
- ⁵ Q. Yeah, go ahead. Just let me
- ⁶ know when you're ready.
- A. Okay.
- ⁸ Q. Are you familiar with this
- 9 document?
- A. Yes.
- Q. And so just to sort of
- orient ourselves here. Under the
- background section, first paragraph says,
- "Whereas, on August 4, 2006, DEA by its
- deputy assistant administrator Joseph T.
- Rannazzisi issued an order to show cause,
- Order Number 1, to McKesson with respect
- to its Lakeland distribution center," and
- 19 then it lists the address.
- Do you see that?
- A. Right.
- Q. Okay. And that's the order
- to show cause that we've been talking for
- the last hour and a half or so, right?

```
1
           Α.
                  Yes.
2
                  Okay. So then if we can
           Ο.
    take a look at Bates page ending 1052, do
    you see that toward the top, there's a
5
    little H?
6
           Α.
                 Yes.
7
                  It says, "McKesson agrees to
           Ο.
8
    pay civil penalties to the United States
9
    of America under 21 U.S.C. 842(c) for
10
    violations of 21 U.S.C. 842-A(5) in the
11
    amount of $13,250,000 in settlement of
12
    claims or potential claims made by the
13
    United States of America for failing to
14
    report suspicious orders of controlled
15
    substance and for failing to report
16
    thefts or significant losses of
17
    controlled substances."
18
                  Do you see that?
19
           Α.
                  Yes.
20
                  Okay. You have a general
           Q.
21
    understanding that that's why -- those
22
    are the reasons why the fine was incurred
23
    by McKesson, right?
24
                  Yes.
           Α.
```

```
1
                 MR. SCHMIDT: Object to the
2
           characterization.
    BY MR. BOGLE:
4
                 And then if you go back to
5
    Page 1060, you see there's a section
6
    towards the middle of the page, it says,
7
    "The covered conduct shall mean the
    following alleged conduct."
8
9
                 Do you see that?
10
           Α.
                 Yes.
11
                 And first of all, I don't
12
    want to go through all six of them. You
13
    would acknowledge there are six different
14
    sections here talking about six different
15
    distribution centers at McKesson, true?
16
                 MR. SCHMIDT: I'm sorry.
17
           What page are you on?
                 MR. BOGLE: Yeah, 1060
18
19
           carrying over to 1061.
20
                 MR. SCHMIDT: Thank you.
21
    BY MR. BOGLE:
22
                 My question was simply that
    six distribution centers are covered here
23
24
    in the covered conduct section?
```

```
1
           Α.
                  Yes.
2
                  Okay. So I want to focus
           Q.
    the one that we've been talking about,
    which is Lakeland. So that's letter B.
5
           Α.
                 Mm-hmm.
6
                  So it says, "In
           Ο.
7
    October 2005, McKesson-Lakeland sold
8
    approximately 2.1 million dosage units of
    hydrocodone to seven pharmacies in the
10
    Tampa area." And then it lists them out.
11
                  Do you see that?
12
           Α.
                  Yes.
16
                  Okay. "And failed to report
17
    these sales as suspicious orders to the
18
    DEA when discovered as required by and is
19
    a violation of 21 C.F.R. 1301.74(b) and
20
    21 U.S.C. Section 842-A(5)."
21
                  Do you see that?
22
           Α.
                  Yes.
23
                 Okay. And this is a portion
24
    of the settlement agreement that you're
```

- familiar with too, right?
- ² A. Yes.
- Q. Okay. And this fine of
- 4 \$13,250,000, more than half of that was
- ⁵ related to the conduct at Lakeland,
- 6 right?
- ⁷ A. Yes.
- Q. And specifically, Page 1062,
- ⁹ I think, outlines the numbers.
- So under terms and
- conditions, Letter B, it says, "McKesson"
- shall pay the sum of \$7,456,000. Payment
- shall be made by electronic funds." And
- it goes on. And that's related to the
- 15 conduct at Lakeland, right, the
- ¹⁶ \$7,456,000 fine, right?
- A. Yes.
- Q. Which we can agree is more
- than half of the overall fine, right?
- A. Yes.
- Q. Also the highest fine
- ²² allocated to any specific distribution
- center, right?
- A. Yes.



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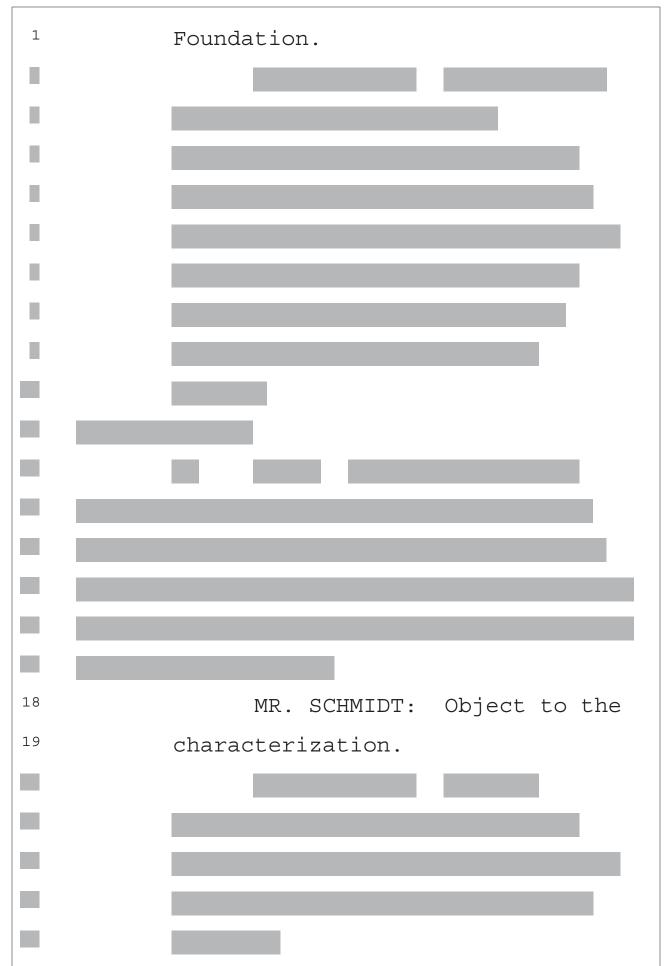
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 223.of 607 PageID #: 164935 Highly Confidential #: 184935 Filed: 07/23/19 223.of 607 PageID #: 164935

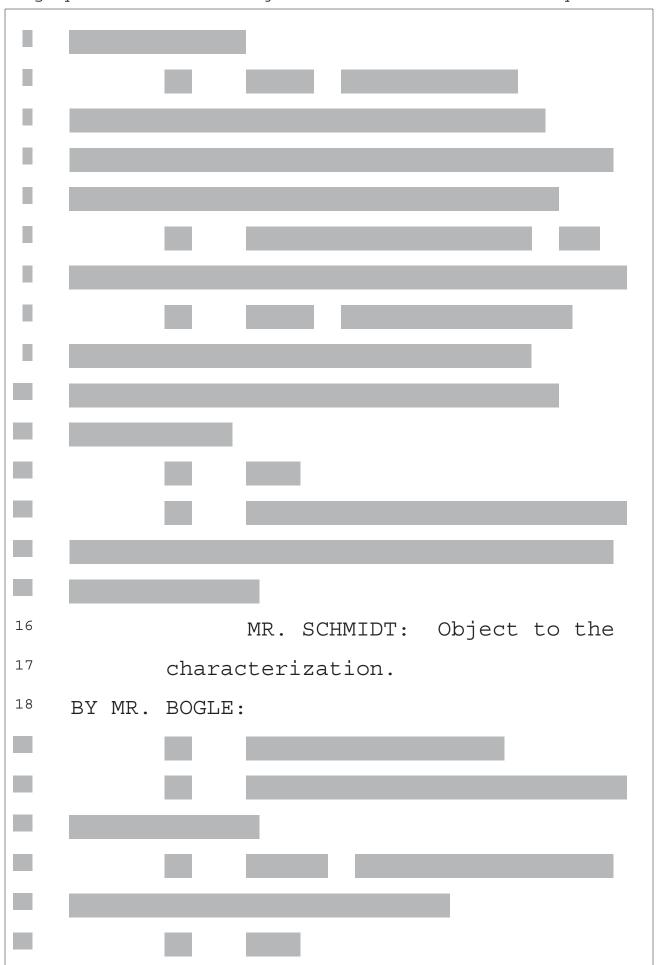


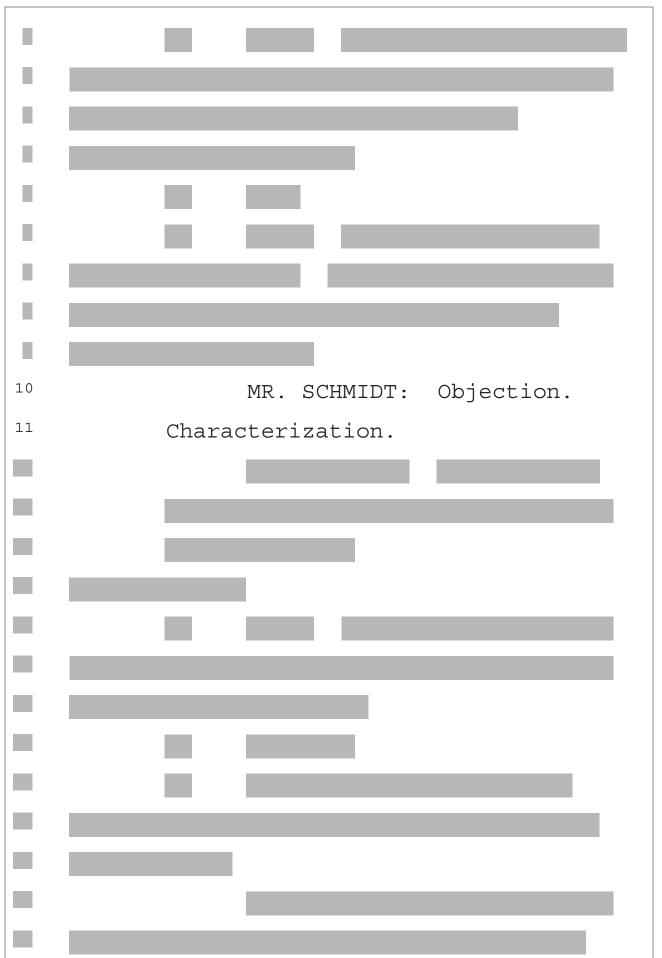
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 224 of 607 PageID # 164936 Highly Confidential Ey Review

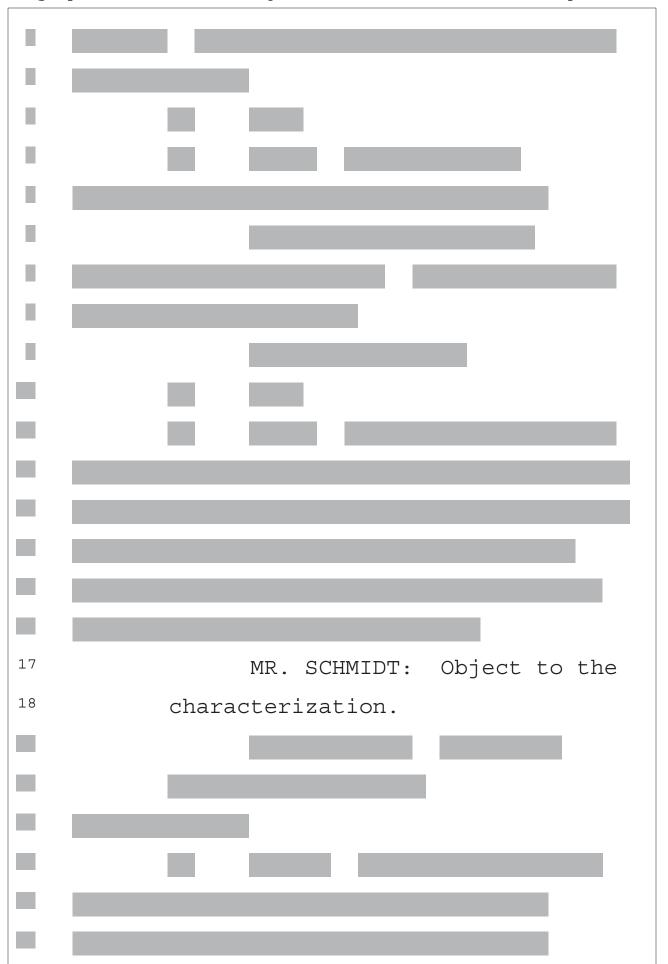






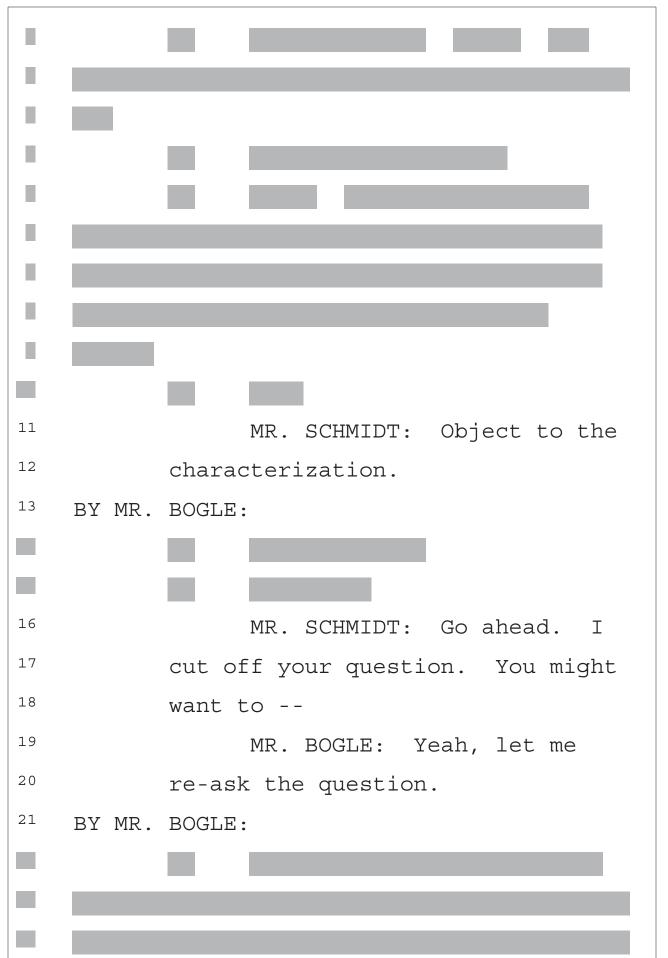




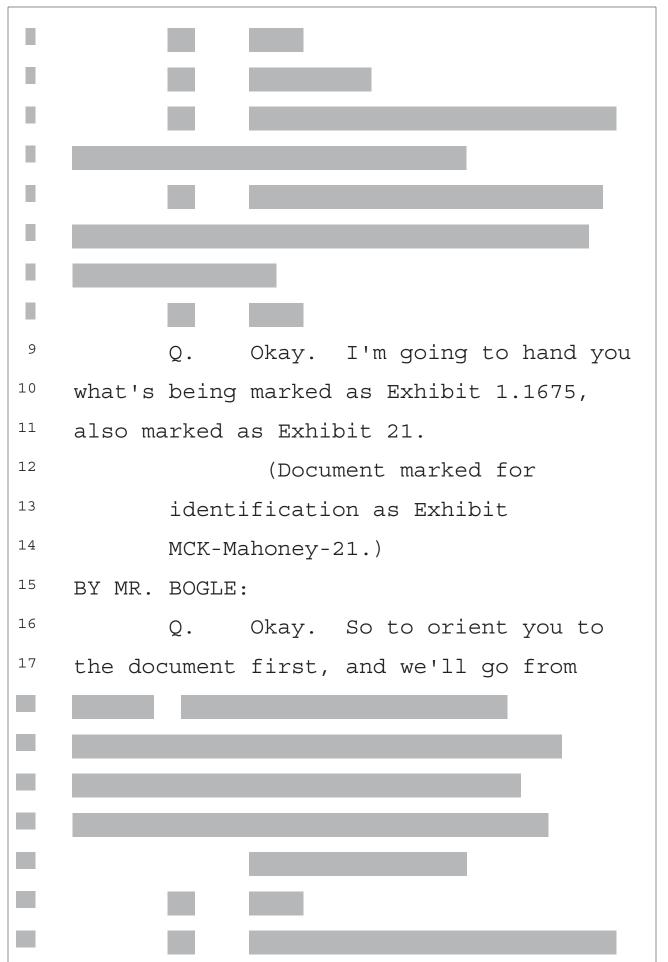


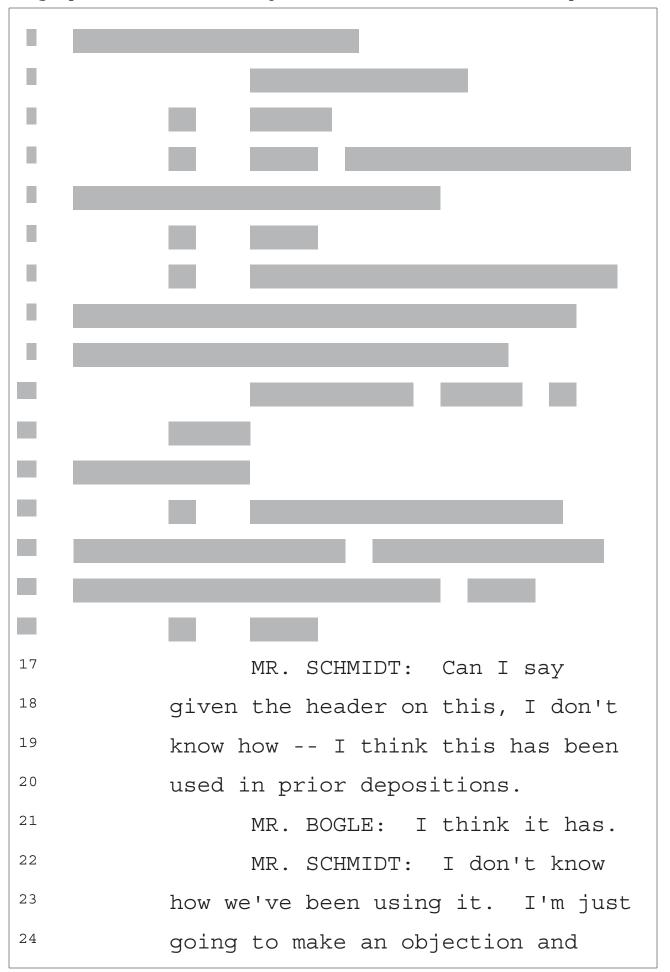
5	BY MR. BOGLE:	
6	Q. Okay.	
7	MR. BOGLE: I'm actua	ally
8	switching to a whole other	topic
9	area. This might be a dece	ent time
10	to break for lunch if you	guys are
11	okay with it.	
12	MR. SCHMIDT: Sure.	
13	How much time have we	e been
14	on the record for?	
15	THE VIDEOGRAPHER: SI	ire.
16	We've used up 2 hours 58 m	inutes.
17	The time is 12:42 p.m	m.
18	Going off the record.	
19		
20	(Lunch break.)	
21		
22	THE VIDEOGRAPHER: We	e are
23	back on record. The time	is
24	1:40 p.m.	

```
1
2
        AFTERNOON SESSION
3
4
                 EXAMINATION (Cont'd.)
5
6
    BY MR. BOGLE:
7
                 Okay. Mr. Mahoney, we are
           Ο.
    back from lunch. I wanted to shift gears
8
    a little bit to another topic. We talked
10
    about earlier in the deposition that you
11
    became the director of regulatory affairs
12
    in January 2008, true?
13
           Α.
                 Yes.
20
                 Okay. And was that a
21
    promotion for you to move from
22
    distribution manager to director of
23
    regulatory affairs?
24
                 It was a lateral move.
           Α.
```









```
1
           I'll ask it be a running objection
2
           given that this was prepared for
3
           settlement purposes. I don't know
           that we've sorted that issue out.
5
           I think we can sort it out later.
6
           If I could make a running
7
           objection on that.
8
                 MR. BOGLE: That's fine.
9
    BY MR. BOGLE:
10
                 Let me get back to the
11
    question and make sure we are on the same
19
                 I'm going to walk you to a
           Ο.
20
    place that I don't think is going to be
21
    confusing. So I have to kind of set the
22
    table here.
23
           A. Sure.
```

Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 237 of 607 PageID #: 164949 Highly Confidential #: 184949 Further Confidential #: Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 238 of 607 PageID #: 164950 Highly Confidential Expression Further Confidential Expression Review



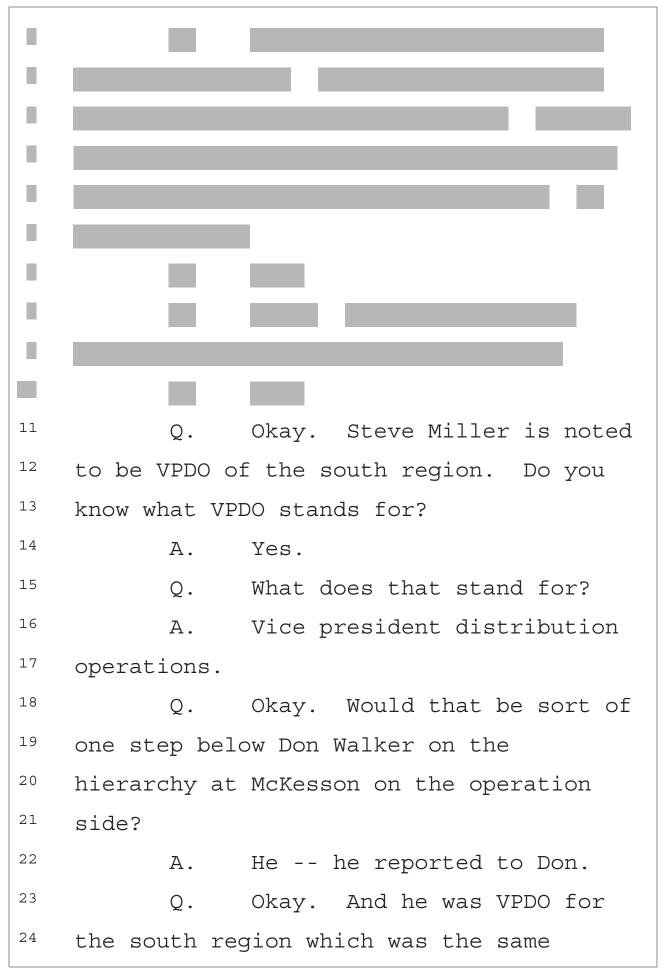
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 239 of 607 PageID # 164951 Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 240 of 607 PageID #: 164952 Highly Confidential #: 184952 Further Confidential #: 184952



```
5
                  MR. SCHMIDT: Object to
6
           characterization.
12
    BY MR. BOGLE:
13
                 Okay. I'm going to hand you
14
    what I'm marking as 1.1960, also
15
    Exhibit 22 to your deposition.
16
                   (Document marked for
17
           identification as Exhibit
18
           MCK-Mahoney-22.)
19
    BY MR. BOGLE:
20
                 Okay. This is a string of
           0.
21
    e-mails, we're going to start at the
22
    bottom. And actually I think it's all
23
    pretty much on the first page.
24
                  Okay.
           Α.
```





Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 244 of 607 PageID #: 164956 Highly Confidential Expression Further Confidential Expression Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 245 of 607 PageID # 164957 Highly Confidential Ey Review





Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 247 of 607 PageID #: 164959 Highly Confidential Expression Further Confidential Expression Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 248 of 607 PageID #: 164960 Highly Confidential Expression Further Confidential Expression Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 249 of 607 PageID #: 164961 Highly Confidential #: 184961 Further Confidential #: Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 250 of 607 PageID # 164962 Highly Confidential # Review



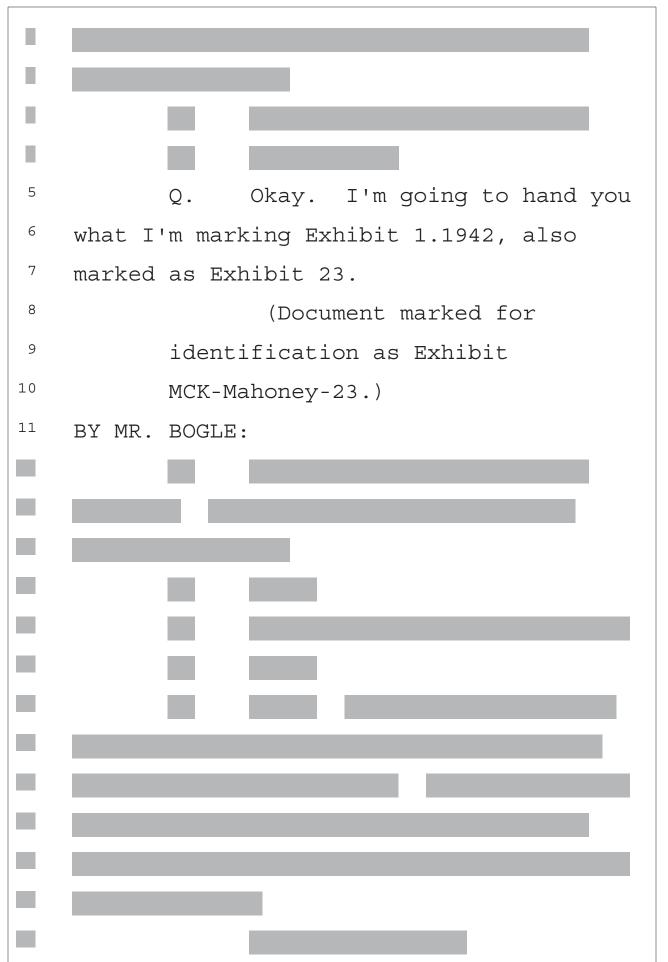
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 251 of 607 PageID # 164963 Highly Confidential # Review





Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 253 of 607 PageID #: 164965 Highly Confidential #: 184965 Further Confidential #: Review





Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 255 of 607 PageID #: 164967 Highly Confidential Expression Further Confidential Expression Review

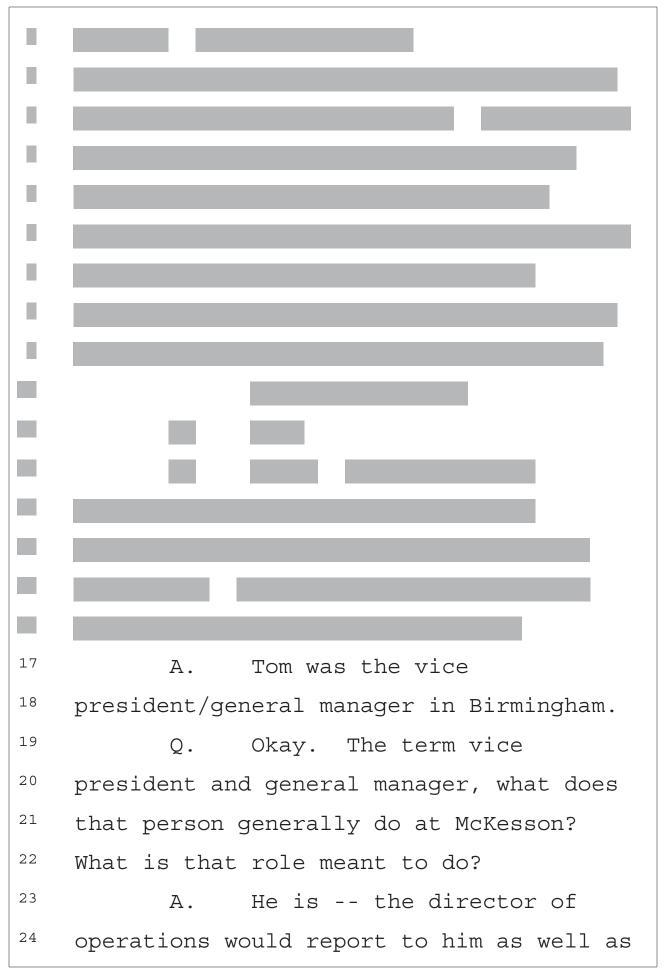


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 256.of 607 PageID #: 164968 Highly Confidential Expression Further Confidential Expression Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 257 of 607 PageID #: 164969 Highly Confidential #: 184969 Further Confidential #: Review







Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 260 of 607 PageID # 164972 Highly Confidential # Review



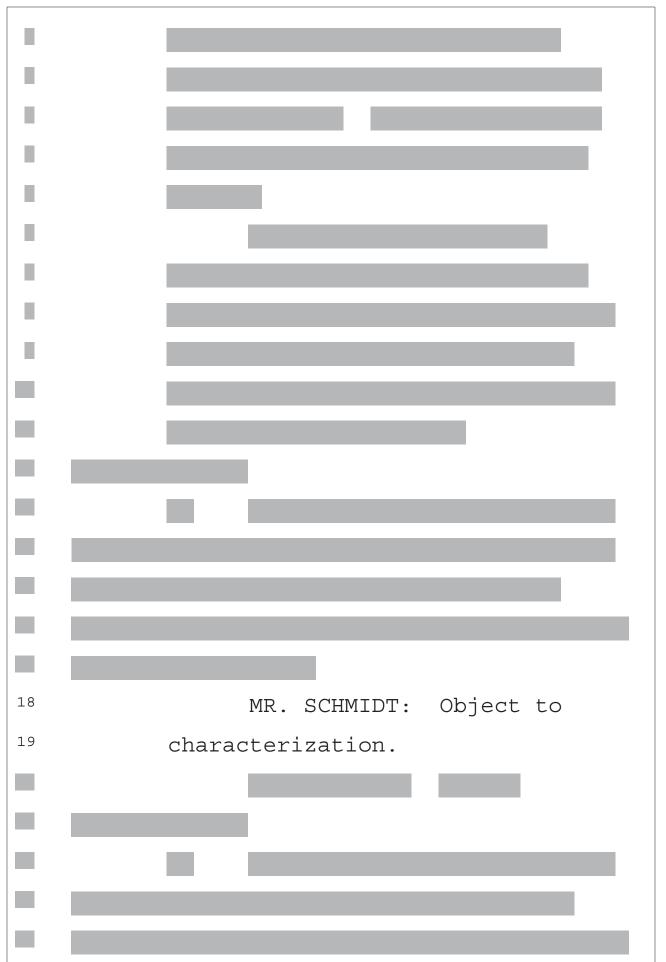
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 261 of 607 PageID #: 164973 Highly Confidential #: 184973 Filed: 07/23/19 261 of 607 PageID #: 164973



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 262 of 607 PageID #: 164974 Highly Confidential #: 184974 Review

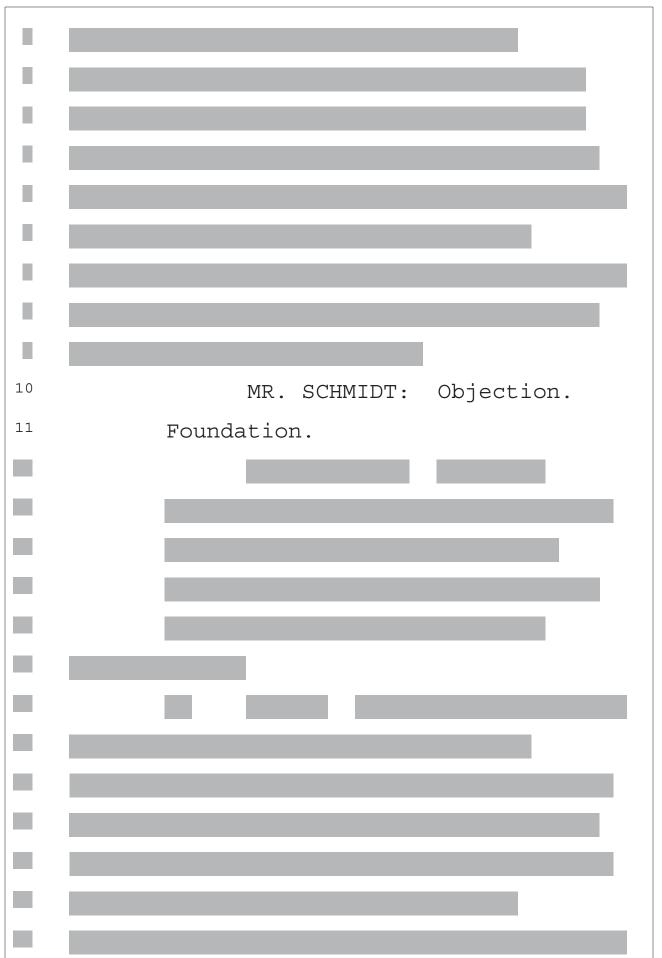


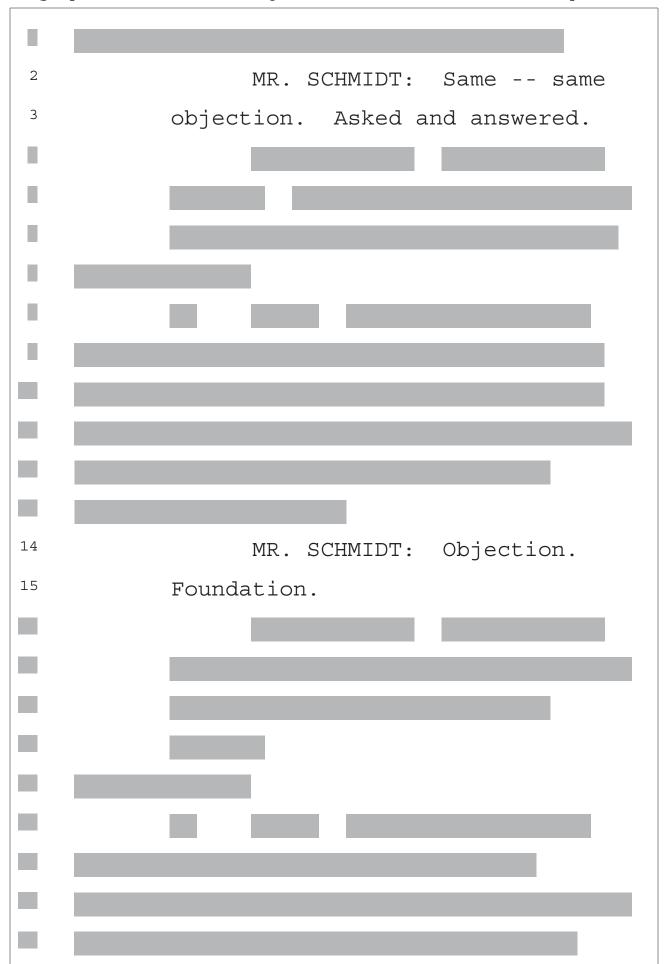




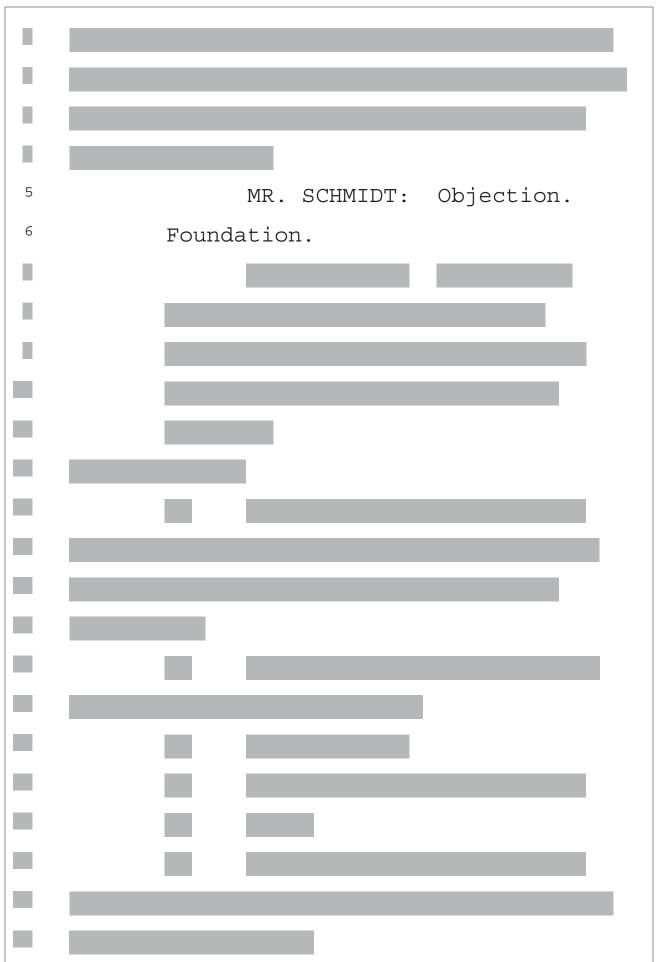


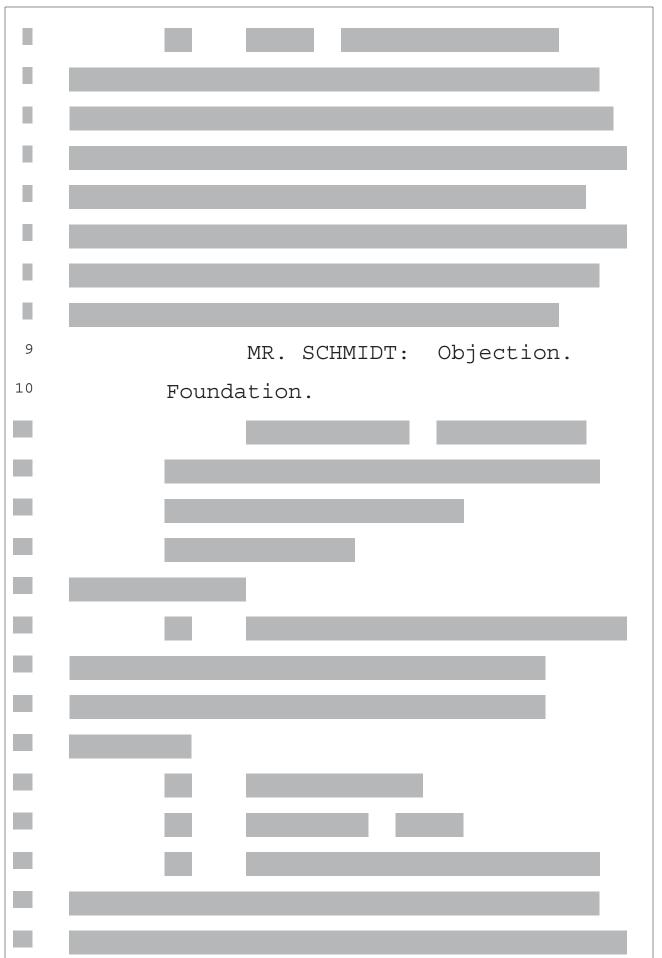
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 266.of 607 PageID #: 164978 Highly Confidential #: 184978 Further Confidential #: 184978





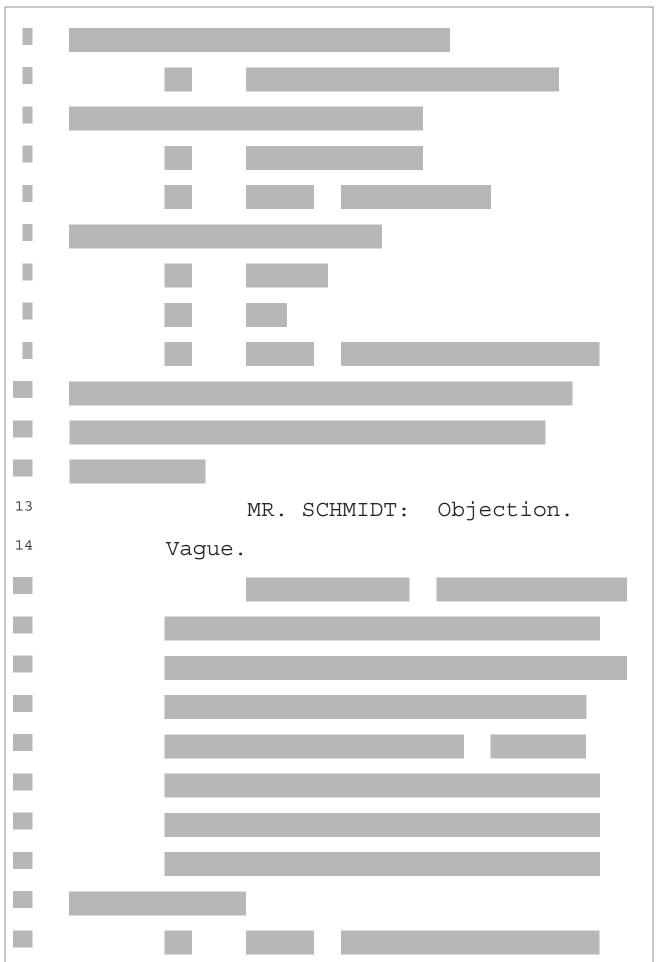
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 268 of 607 PageID #: 164980 Highly Confidential ty Review

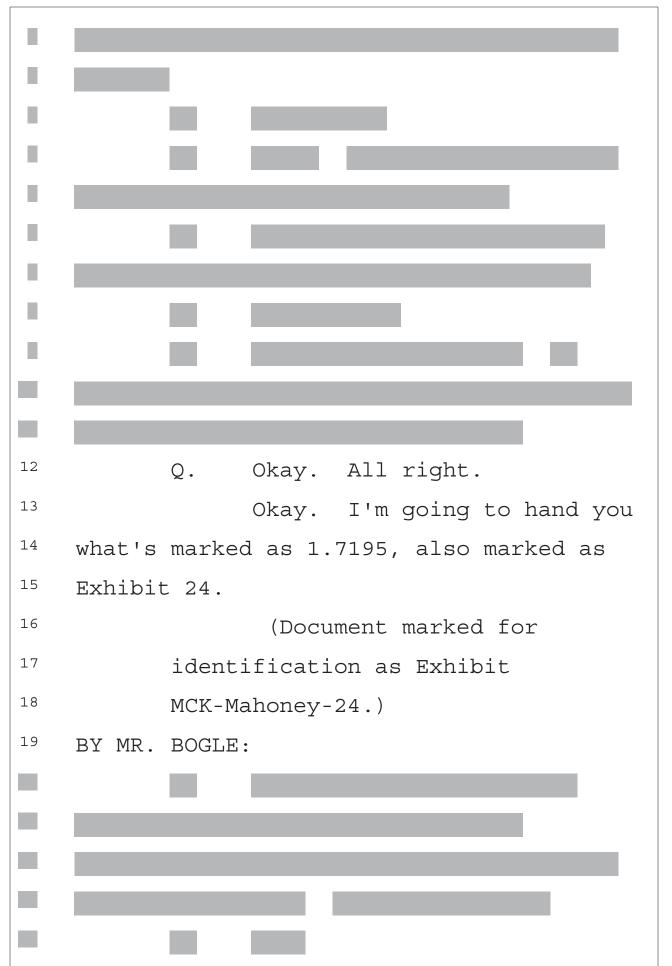




Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 270 of 607 PageID # 164982 Highly Confidential # Review







Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 273 of 607 PageID #: 164985 Highly Confidential #: 184985 Further Confidential #: 184985



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 274 of 607 PageID #: 164986 Highly Confidential Expression Further Confidential Expression Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 275 of 607 PageID #: 164987 Highly Confidential #: 184987 Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 276.of 607 PageID #: 164988 Highly Confidential #: 184988 Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 277 of 607 PageID #: 164989 Highly Confidential Expression Further Confidential Expression Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 278 of 607 PageID #: 164990 Highly Confidential Expression Further Confidential Expression Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 279 of 607 PageID #: 164991 Highly Confidential Ey Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 280 of 607 PageID # 164992 Highly Confidential Ty Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 281 of 607 PageID #: 164993 Highly Confidential #: 184993 Filed: 07/23/19 281 of 607 PageID #: 164993



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 282 of 607 PageID #: 164994 Highly Confidential Expression Further Confidential Expression Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 283 of 607 PageID #: 164995 Highly Confidential Expression Further Confidential Expression Review



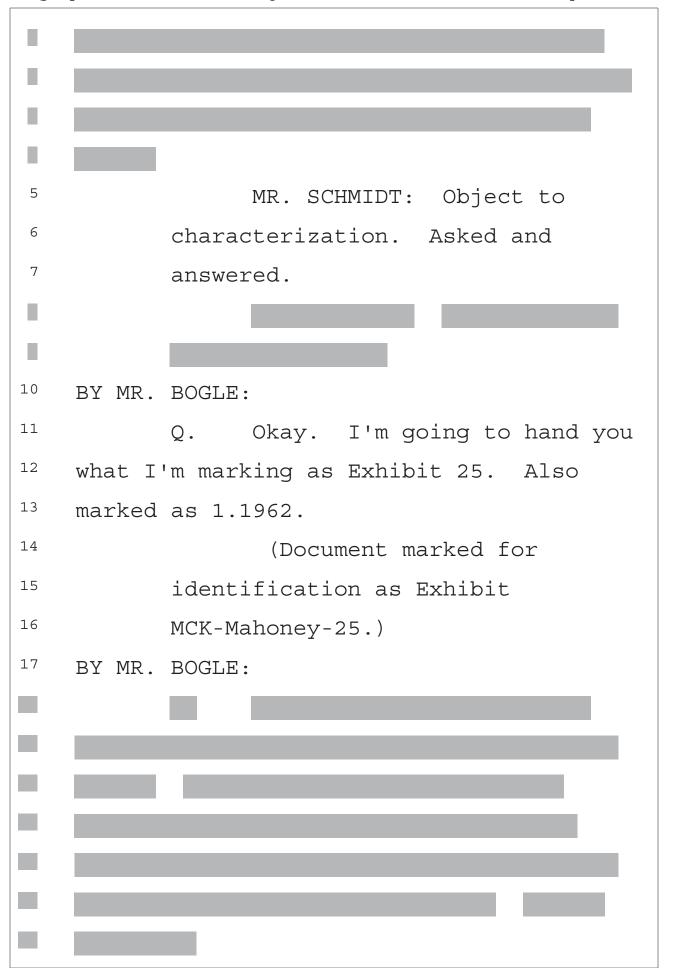


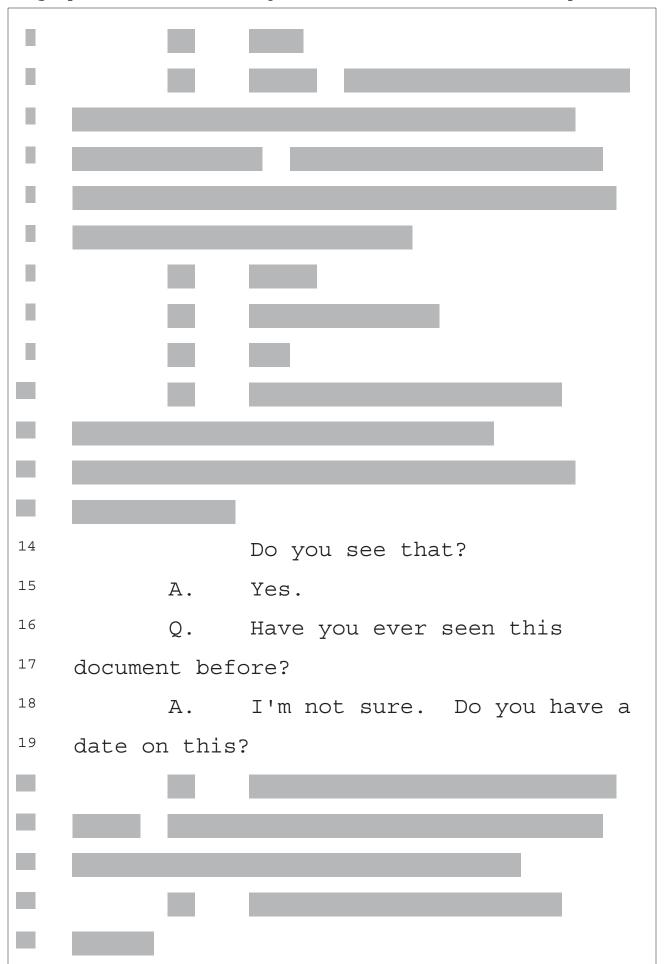


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 286.of 607 PageID #: 164998 Highly Confidential Expression Further Confidential Expression Review









Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 290 of 607 PageID # 165002 Highly Confidential Ey Review

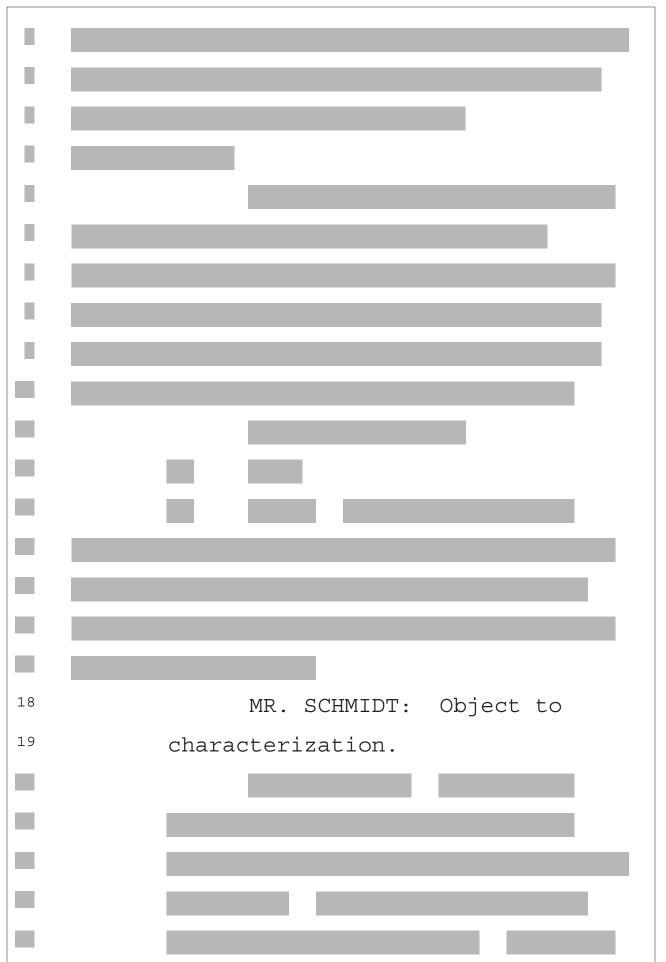


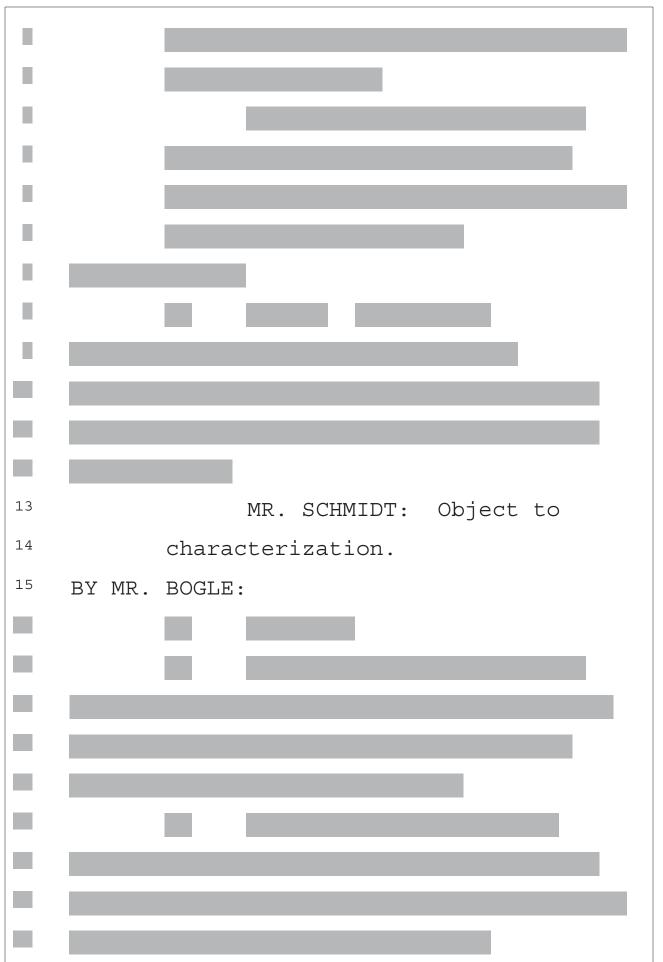
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 291 of 607 PageID # 165003 Highly Confidential Expression Further Confidential Expression Review

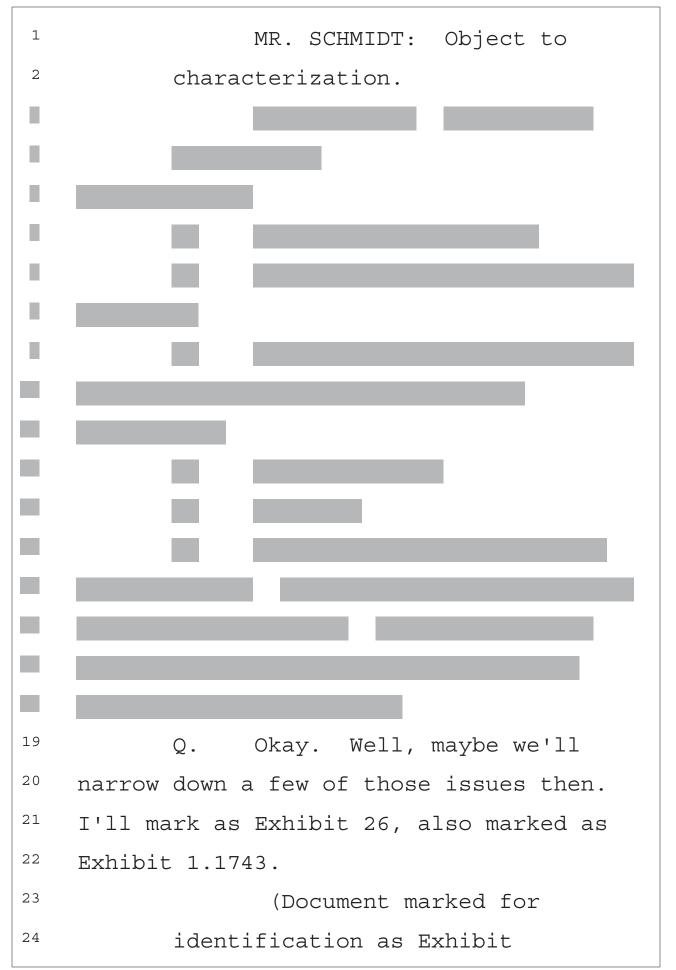


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 292 of 607 PageID #: 165004 Highly Confidential Expression Further Confidential Expression Review









Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 296.of 607 PageID #: 165008 Highly Confidential ty Review

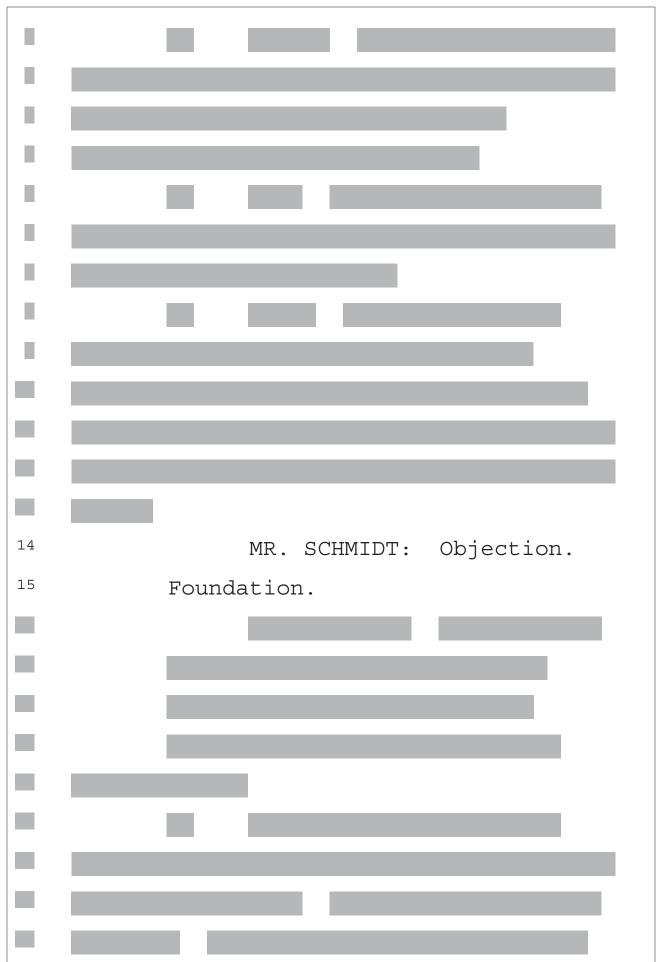


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 297 of 607 PageID # 165009 Highly Confidential Ey Review



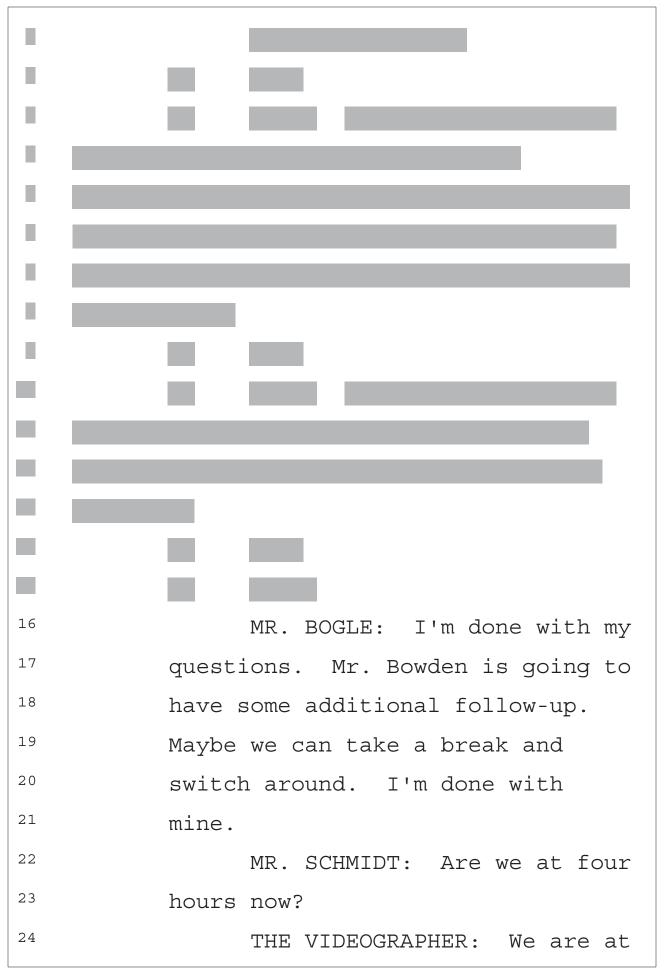
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 298 of 607 PageID # 165010 Highly Confidential Ey Review



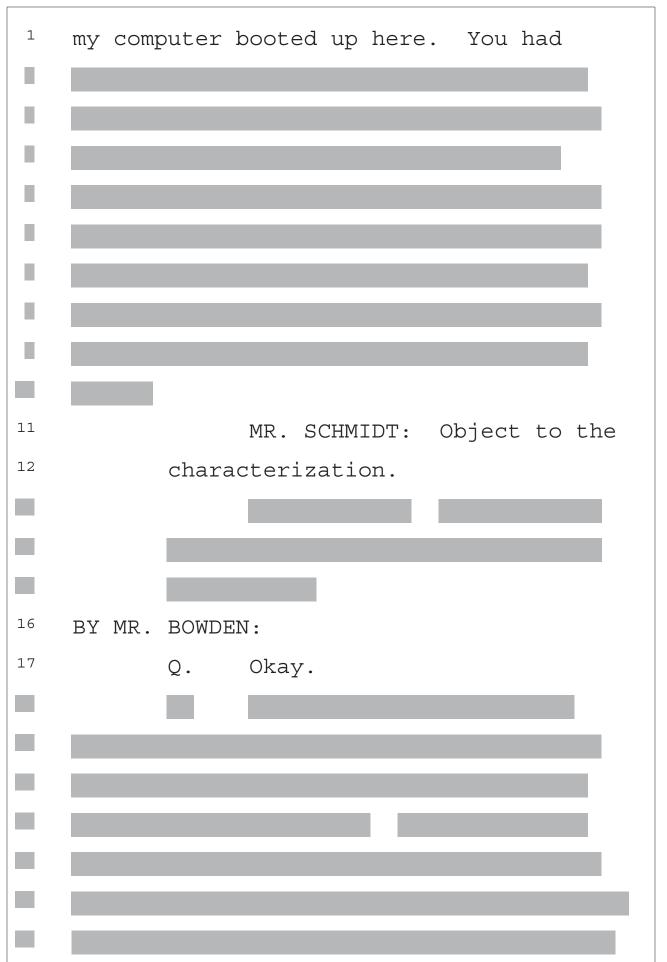


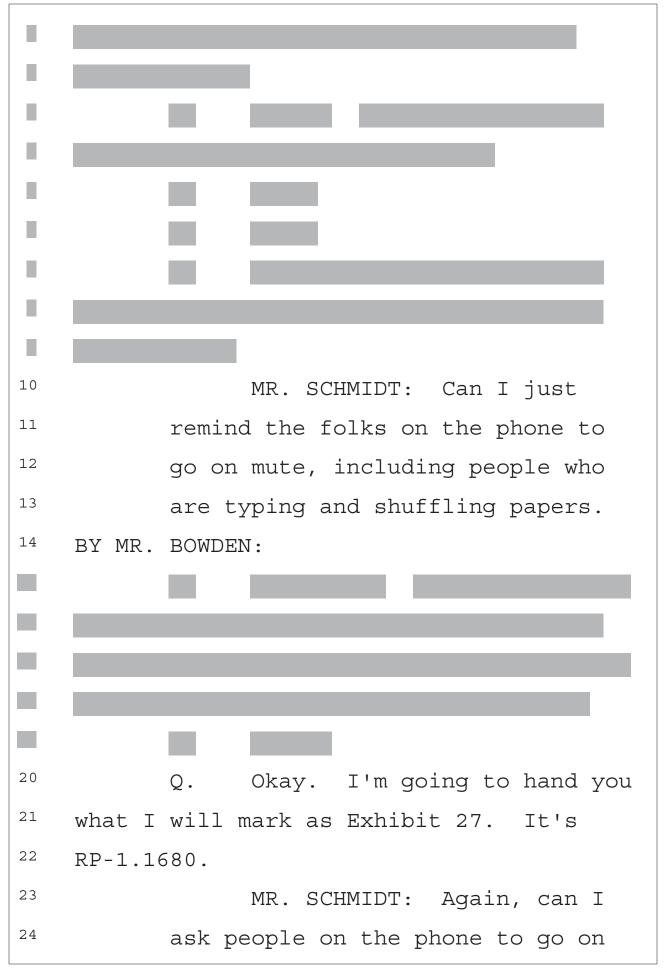
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 300 of 607 PageID # 165012 Highly Confidential # Review





```
1
           4 hours and 3 minutes.
2
                  Shall we go off the record.
3
                  MR. BOGLE: Yes.
                  THE VIDEOGRAPHER: The time
5
           2:45 p.m. Going off the record.
6
                  (Short break.)
7
                  THE VIDEOGRAPHER: We are
8
           back on the record. The time is
9
           3:04 p.m.
10
11
                    EXAMINATION
12
13
    BY MR. BOWDEN:
14
                  Good afternoon, Mr. Mahoney.
           Ο.
15
                  What's going on?
           Α.
16
                  My name is Wes Bowden.
           Ο.
17
    going to ask you a couple questions and
18
    finish out your deposition.
19
                  Okay.
           Α.
20
                  Before we left off the break
21
    you talked with my partner about some of
22
    the larger issues with the CSMP.
23
                  And one thing that I was
24
    going to ask you about -- trying to get
```





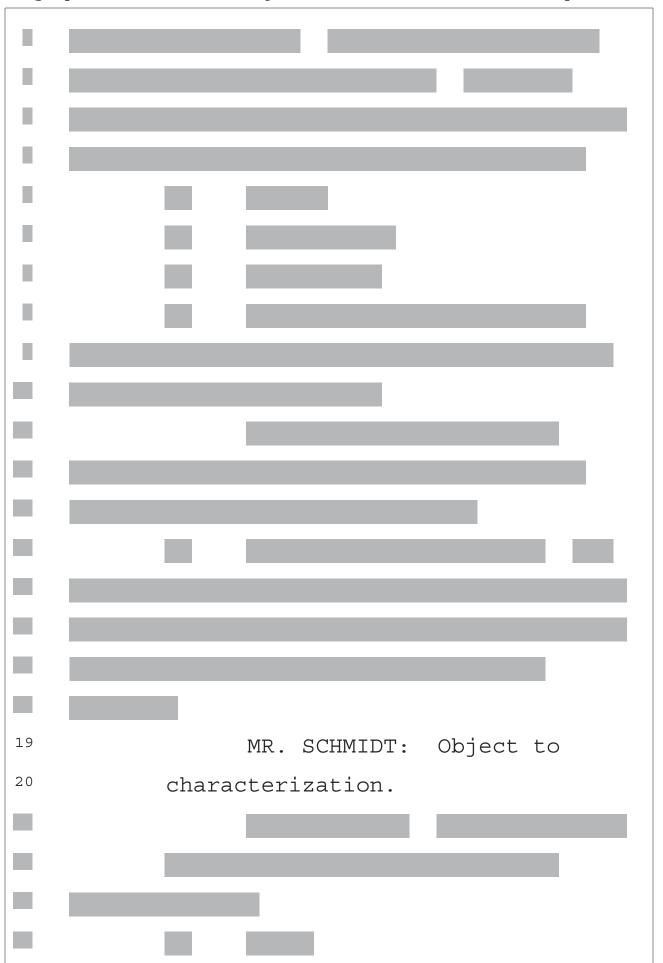
```
1
           mute, including whoever was just
2
           typing.
3
                 (Document marked for
           identification as Exhibit
5
           Mahoney-27.)
6
    BY MR. BOWDEN:
7
                I apologize. I did not put
           0.
    the sticker on yours. I'll take that
8
    back from you.
```

Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 306.of 607 PageID # 165018 Highly Confidential Expression



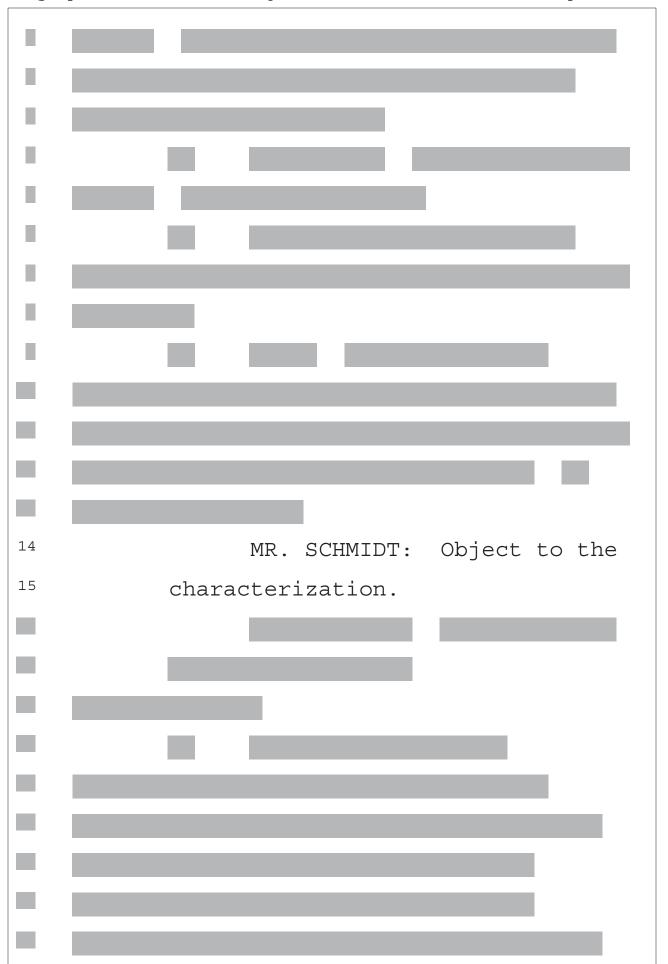
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 307 of 607 PageID # 165019 Highly Confidential Ey Review

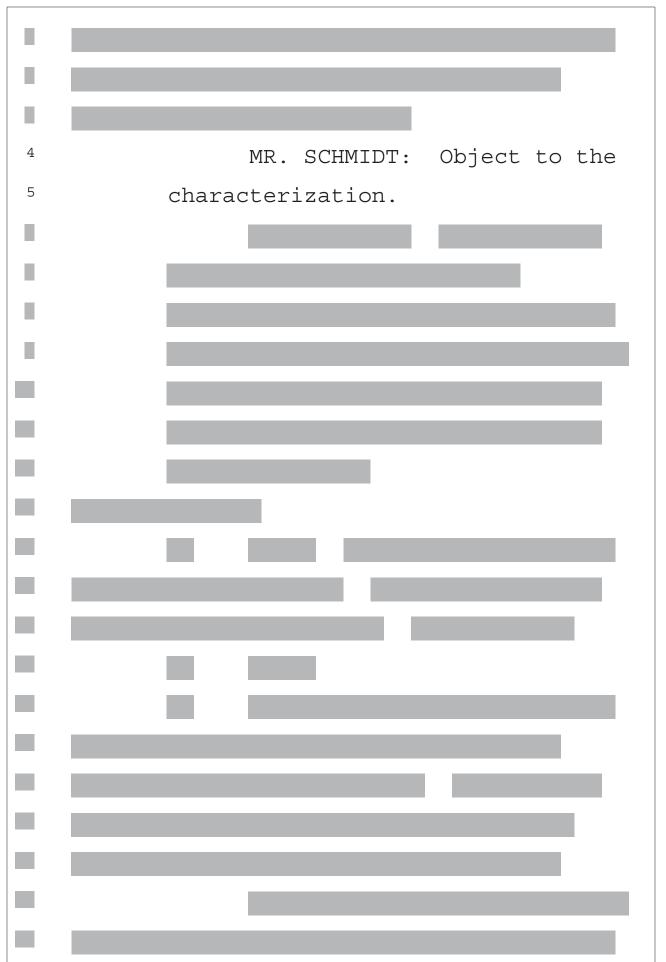


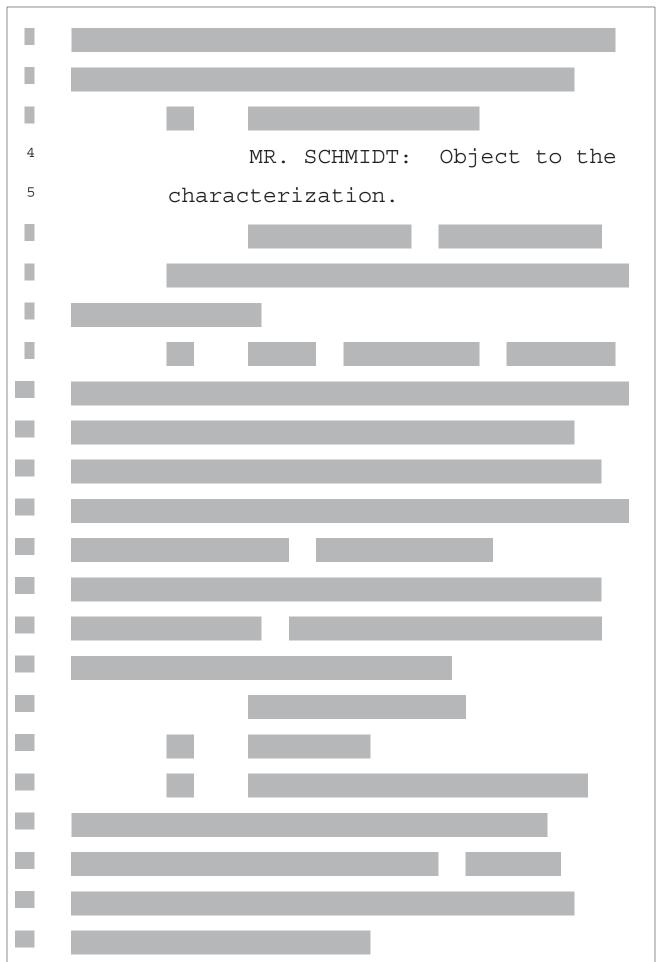


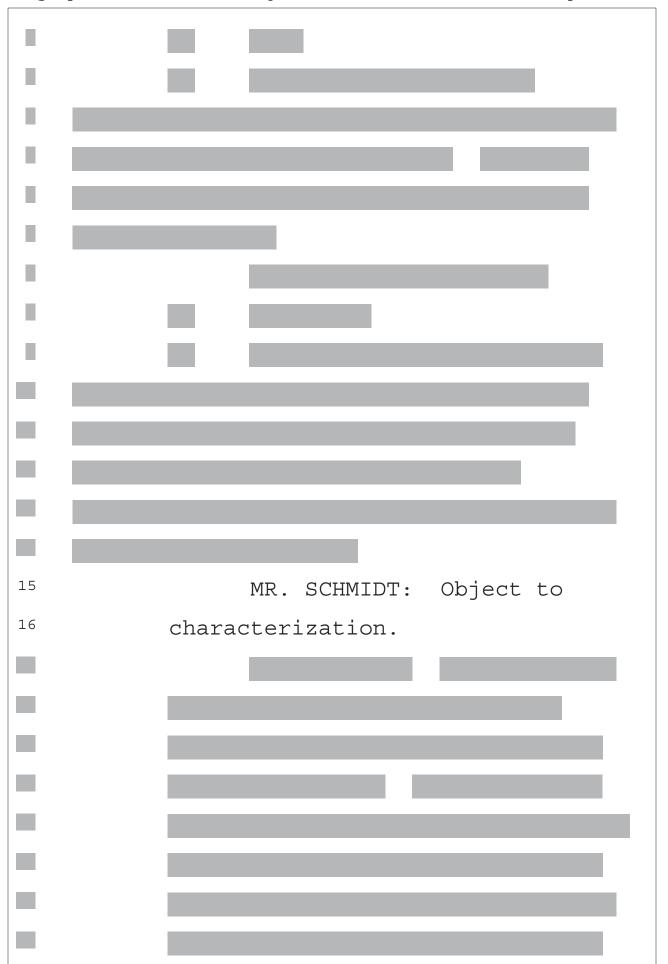
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 309 of 607 PageID #: 165021 Highly Confidential #: 4 Subject to Further Confidential #: 7 Review







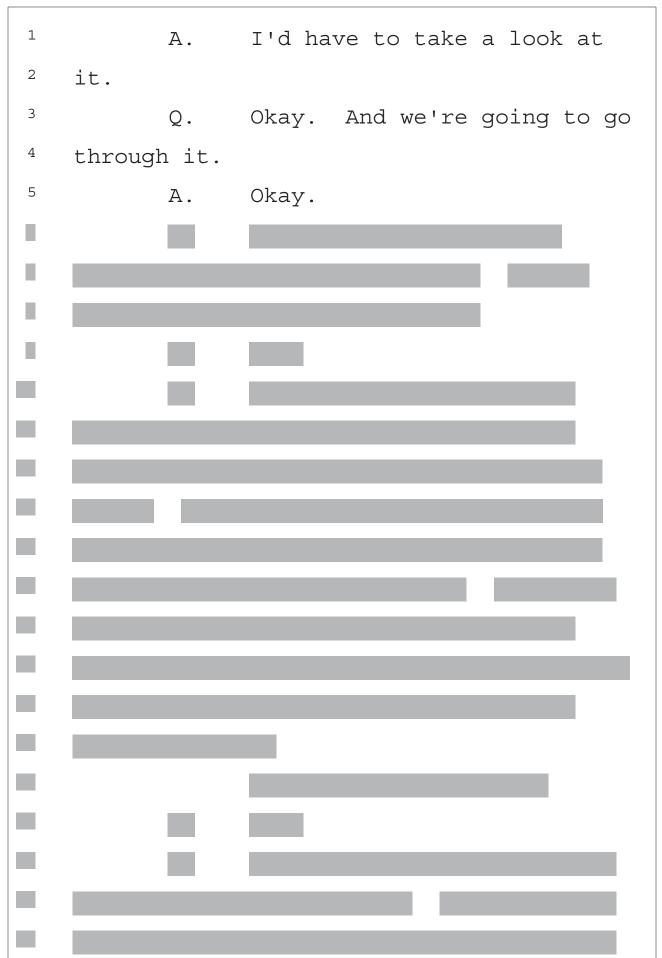




Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 314 of 607 PageID # 165026 Highly Confidential # Review



```
1
                  MR. SCHMIDT: Objection.
2
            Foundation.
13
                  Going to mark for you, this
14
    will be Exhibit 28 to your deposition.
15
    It's our P-1.1783.
16
                  (Document marked for
17
            identification as Exhibit
18
           Mahoney-28.)
19
    BY MR. BOWDEN:
20
                  Do you remember getting this
            Q.
24
    Do you recall reading this?
```



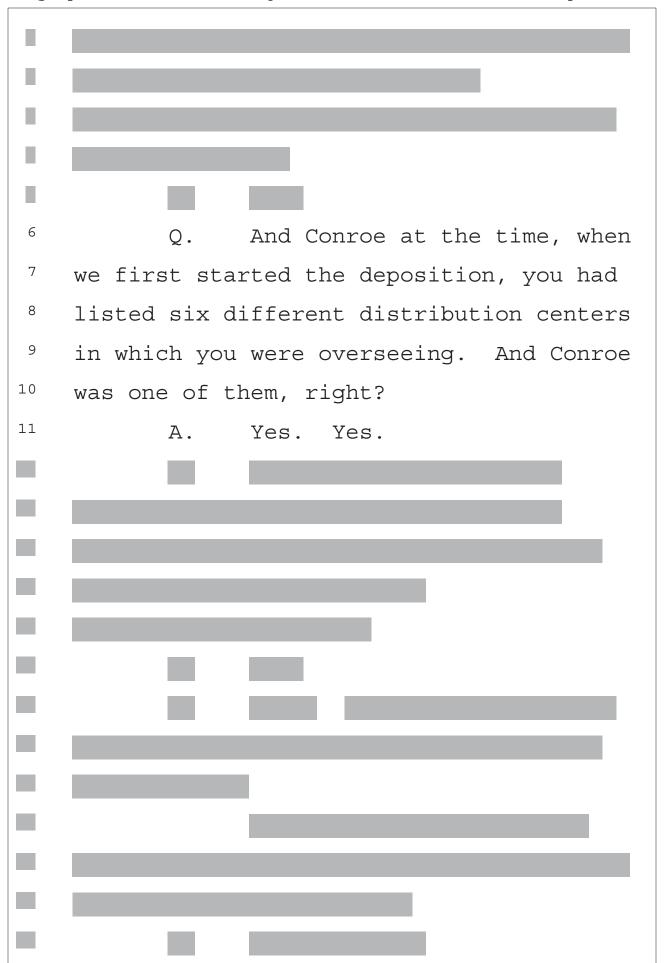
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 317 of 607 PageID #: 165029 Highly Confidential Expression Further Confidential Expression Review





Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 319 of 607 PageID #: 165031 Highly Confidential #: 4 Subject to Further Confidential #: 7 Review





Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 321 of 607 PageID # 165033 Highly Confidential # Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 322 of 607 PageID #: 165034 Highly Confidential #: 1800 Ject to Further Confidential #: Review



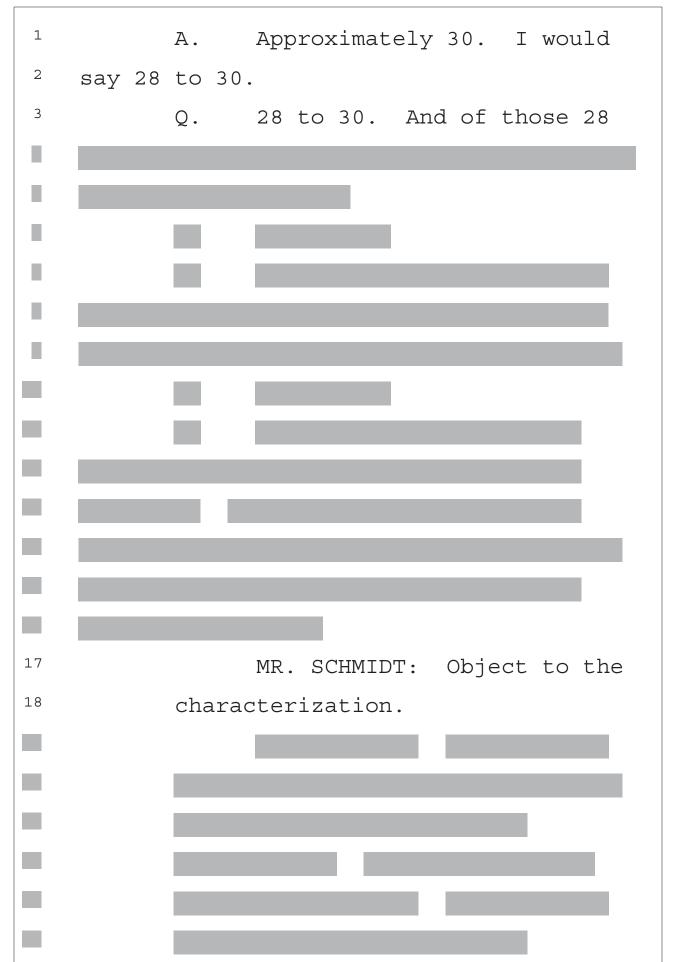
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 323.of 607 PageID #: 165035 Highly Confidential #: 1800 Ject to Further Confidential #: Review



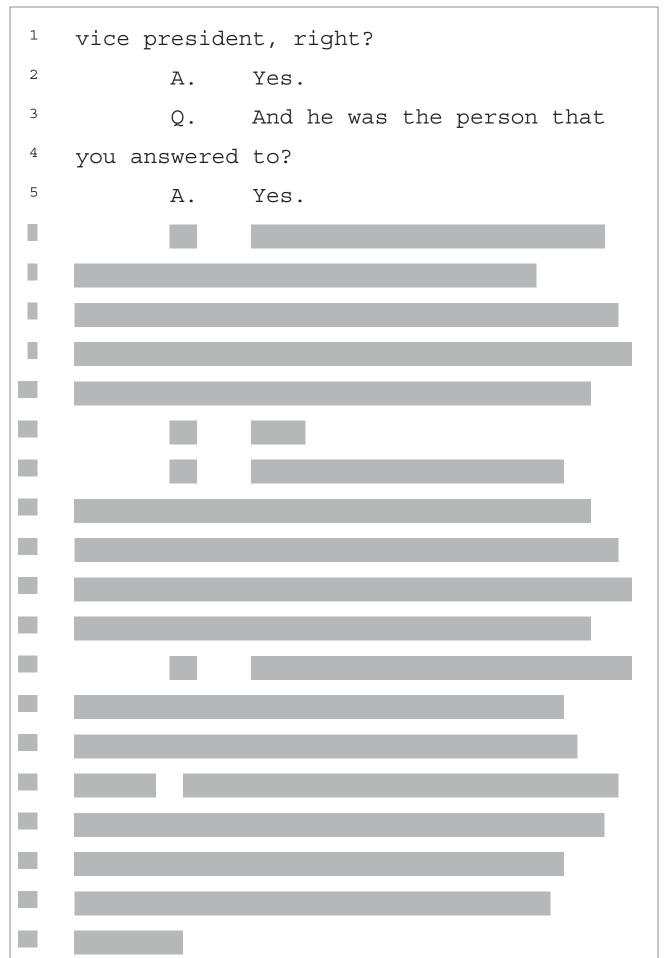
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 324 of 607 PageID # 165036 Highly Confidential # Review

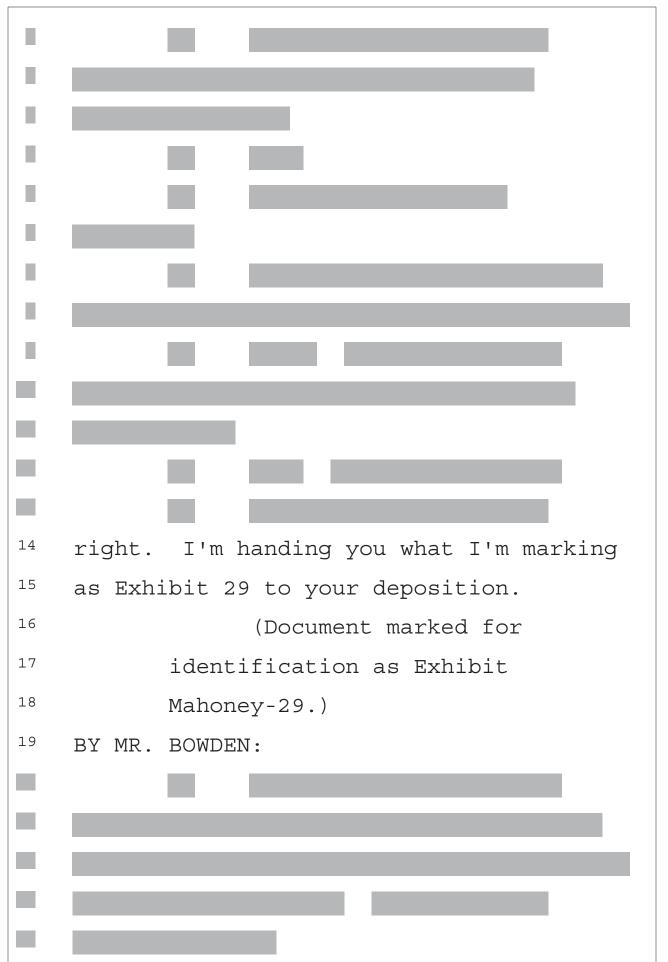










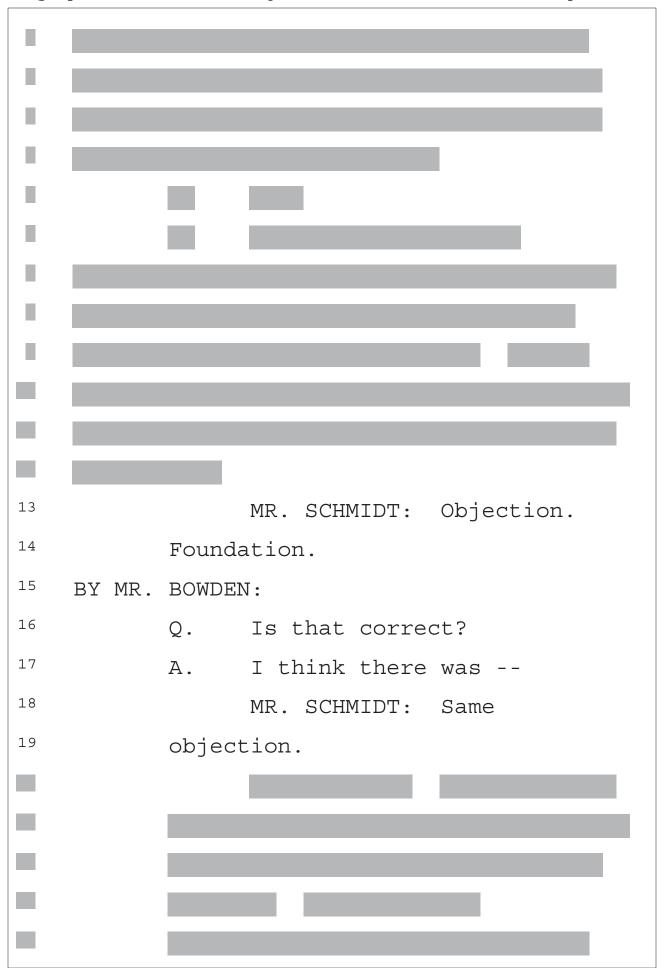


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 330 of 607 PageID # 165042 Highly Confidential # Review



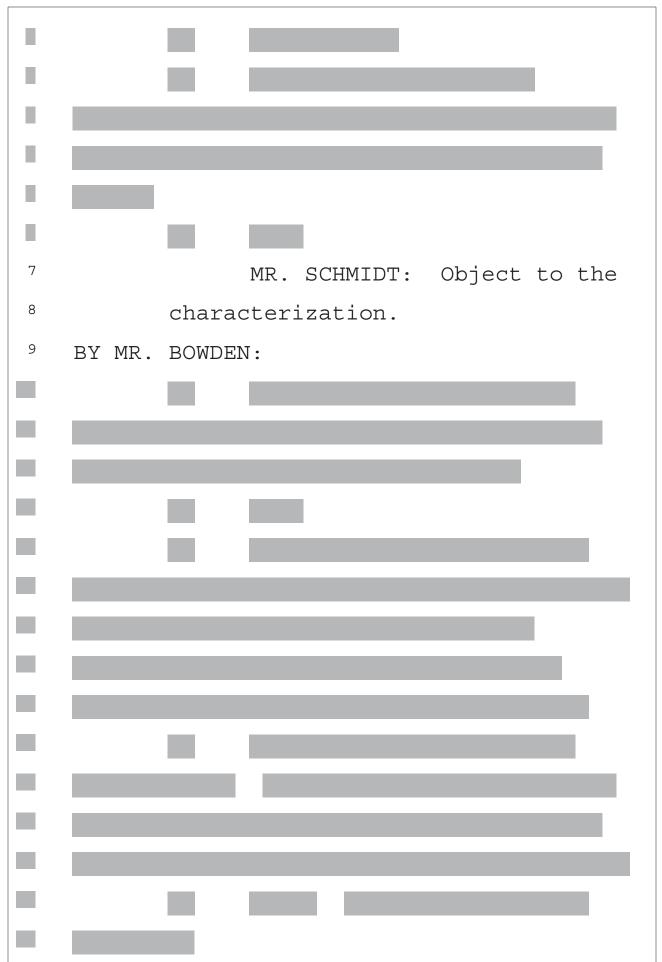
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 331 of 607 PageID # 165043 Highly Confidential # Review

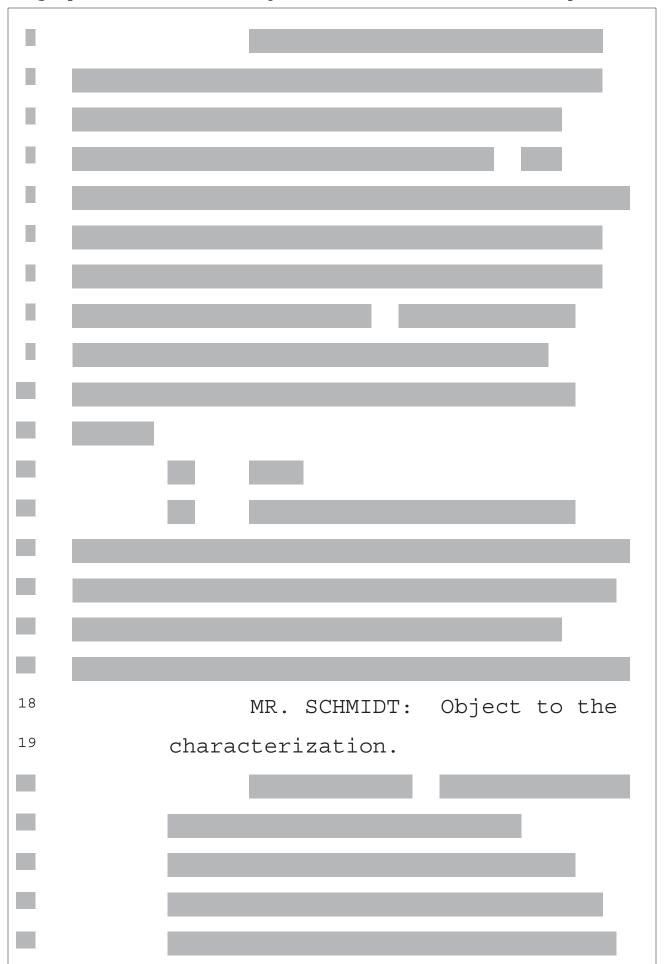




Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 333.of 607 PageID #: 165045 Highly Confidential #: 1800 Ject to Further Confidential #: Review



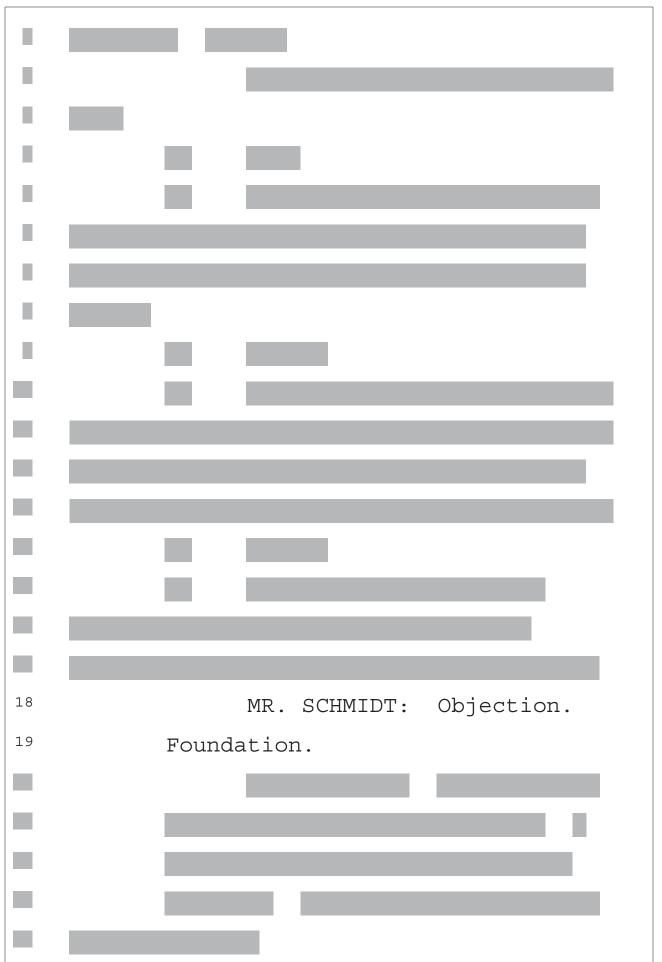


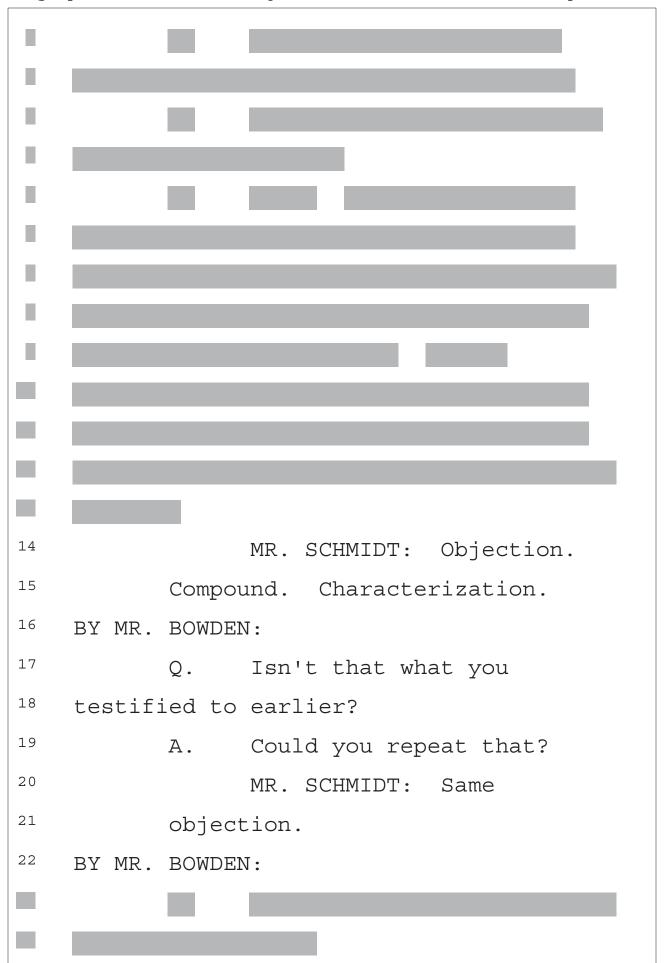




Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 337 of 607 PageID #: 165049 Highly Confidential Expression Further Confidential Expression Review







Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 340 of 607 PageID #: 165052 Highly Confidential #: 1800 Ject to Further Confidential #: Review

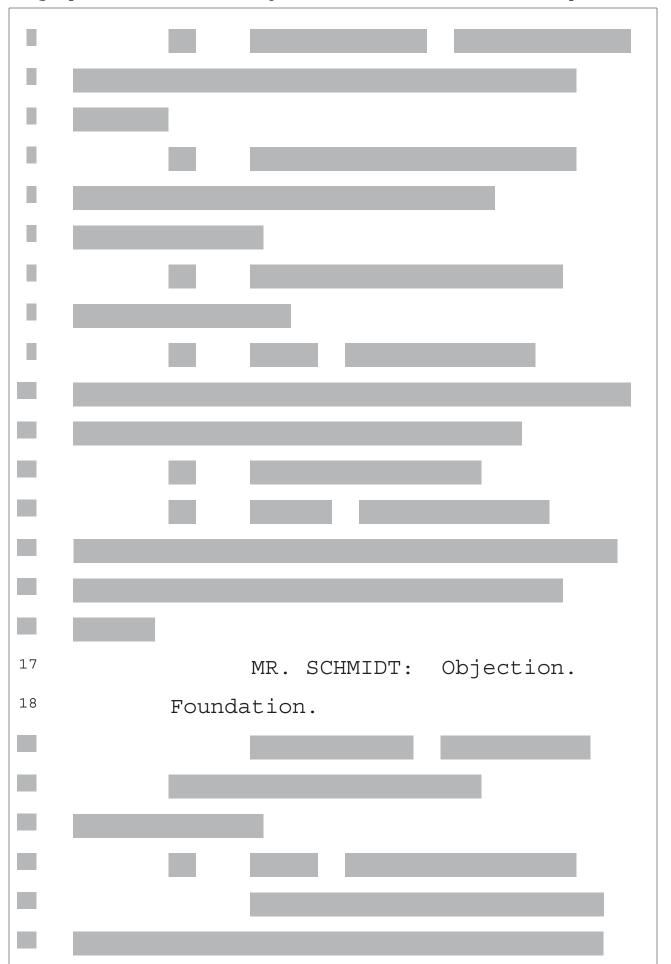


Case: 1:17-md-02804-DAP Doc.#: 1964-33 Filed: 07/23/19 341 of 607, PageID #: 165053 Review



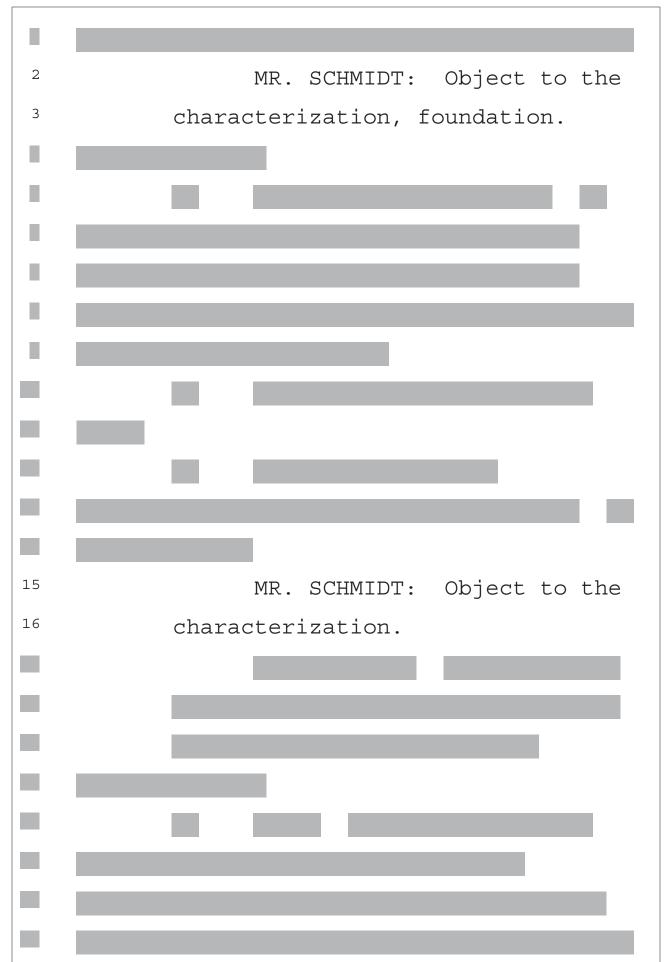
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 342 of 607 PageID #: 165054 Highly Confidential Expression Further Confidential Expression Review



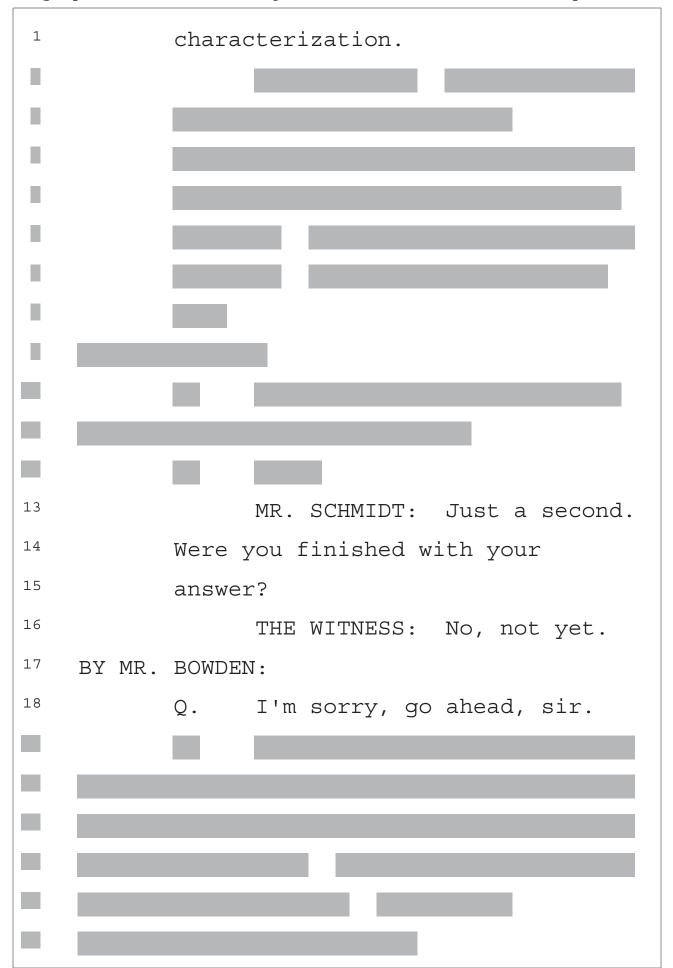


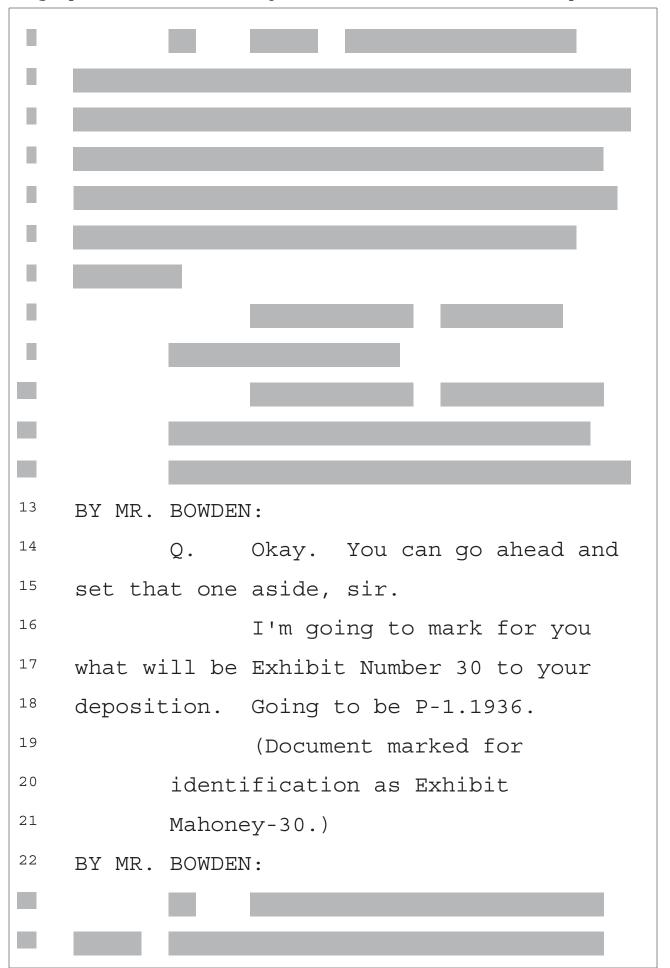
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 344 of 607 PageID #: 165056 Highly Confidential #: 1800 Ject to Further Confidential #: Review









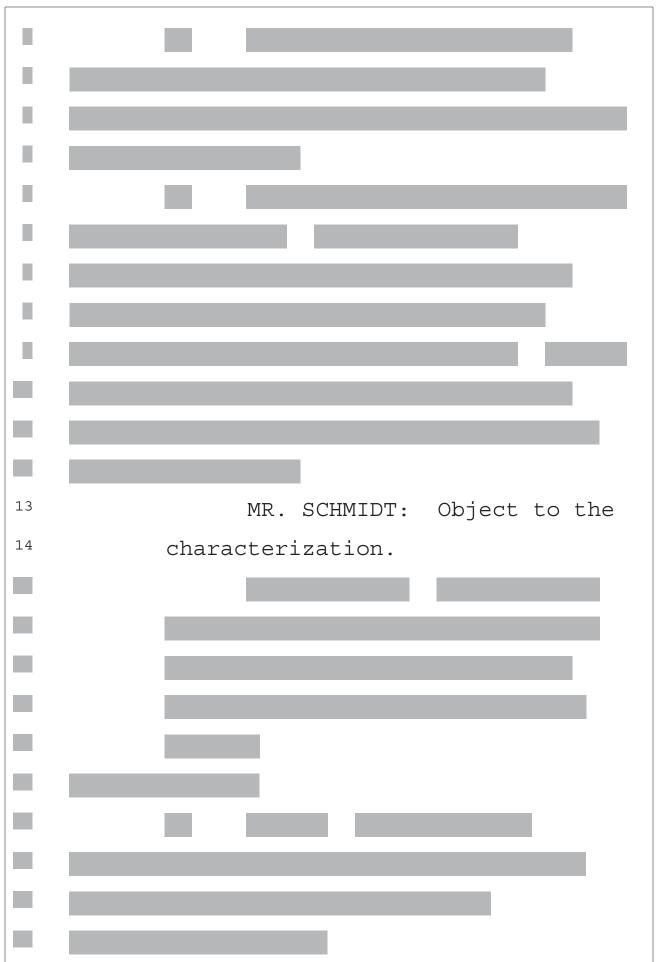


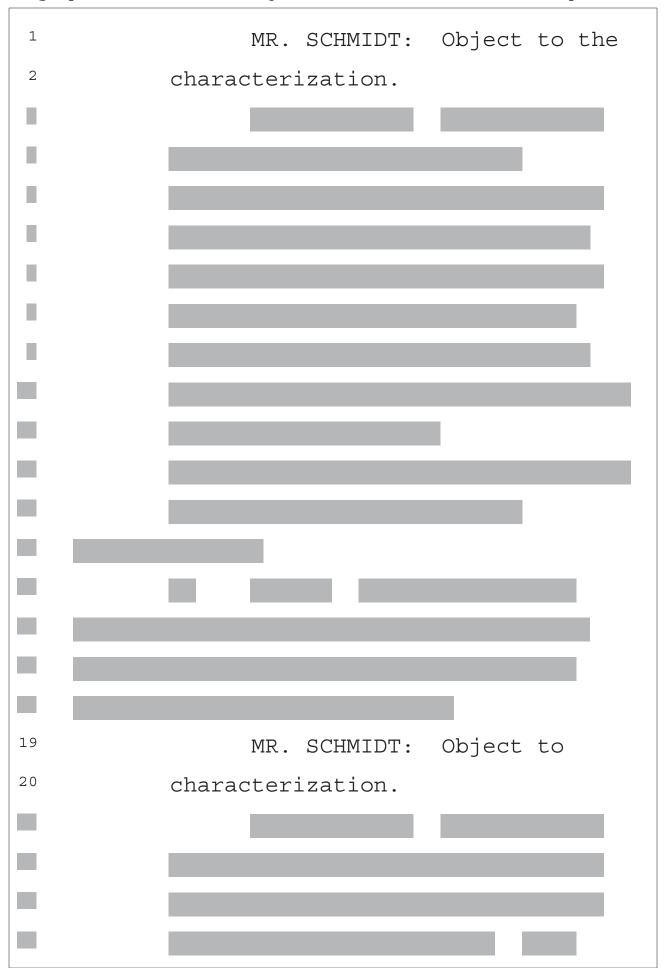
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 349 of 607 PageID # 165061 Highly Confidential Further Confidential Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 350 of 607 PageID # 165062 Highly Confidential # Review





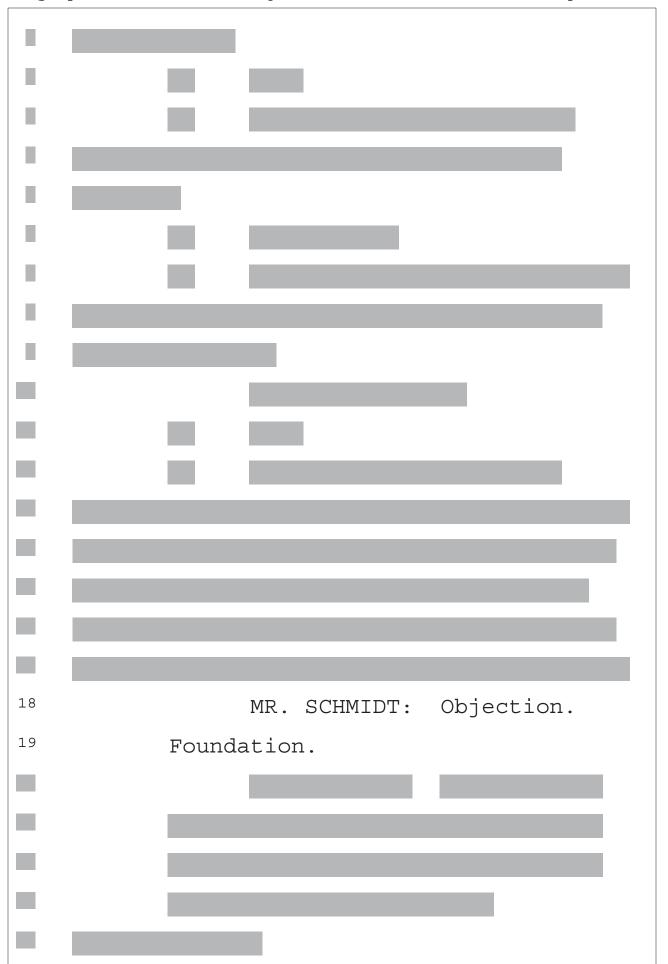


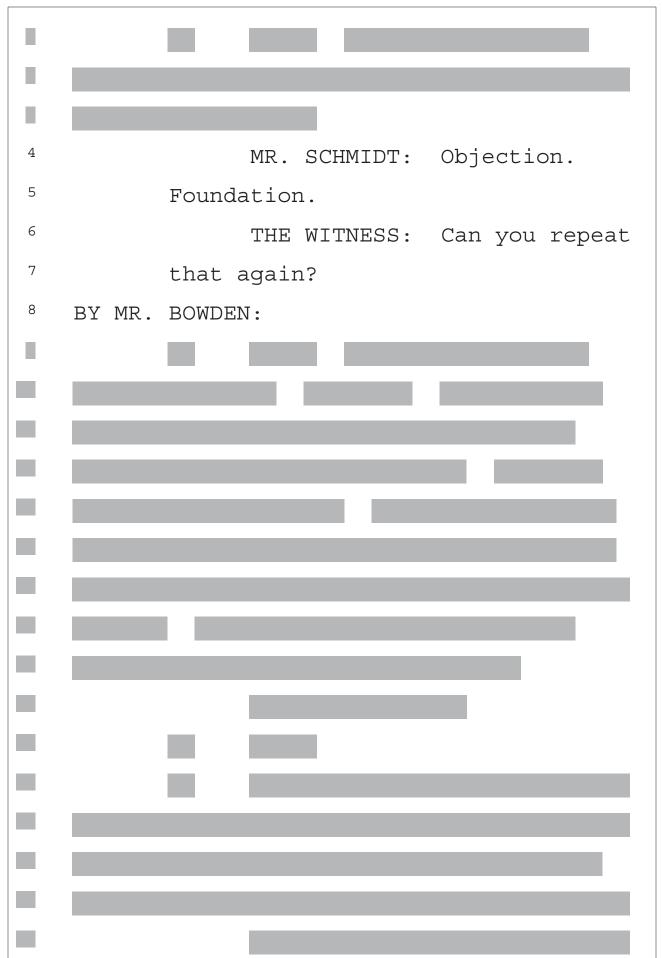
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 353 of 607 PageID # 165065 Highly Confidential # Review





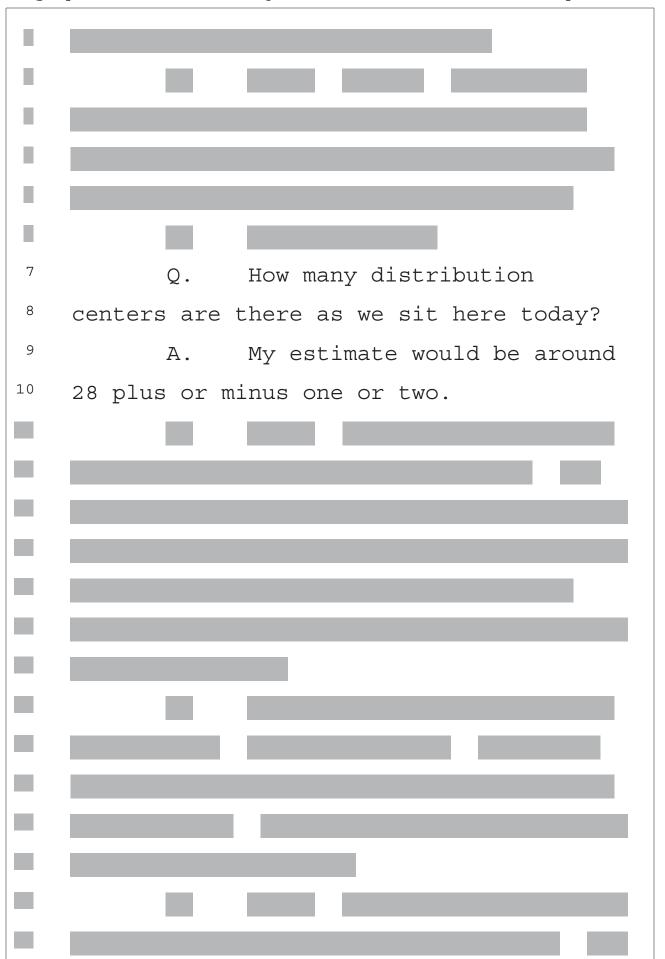
```
1
                  THE WITNESS: I'm curious
2
           about what you're referring to.
    BY MR. BOWDEN:
11
                  Okay.
                         I'll hand you what
           Q.
12
    I'm marking Exhibit 31. It's P1.1979.
13
                  (Document marked for
           identification as Exhibit
14
15
           Mahoney-31.)
16
    BY MR. BOWDEN:
17
                 Why don't you go ahead and
    flip to the last page of this document.
18
```



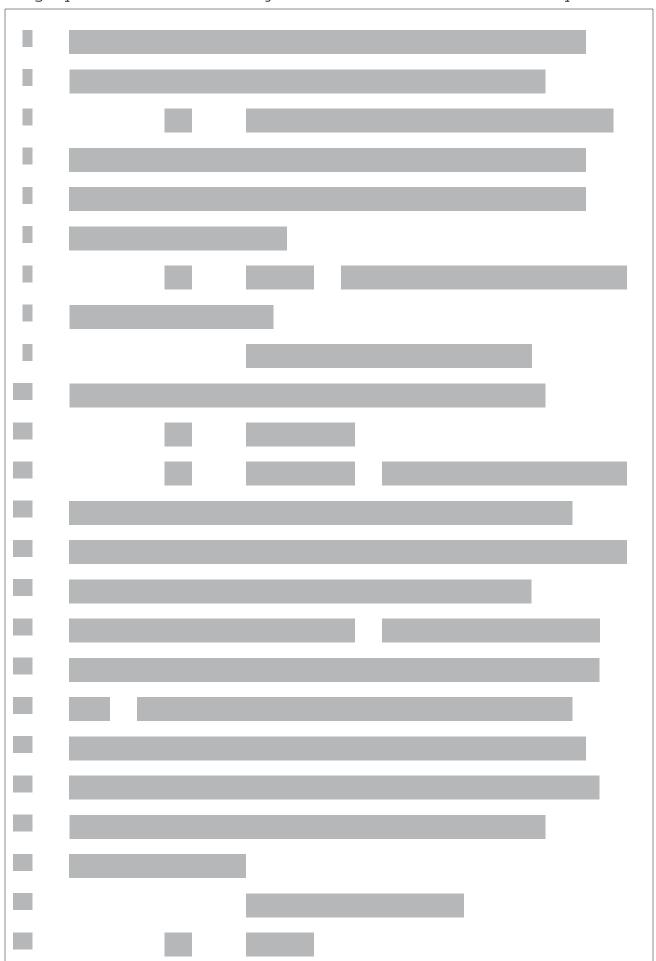


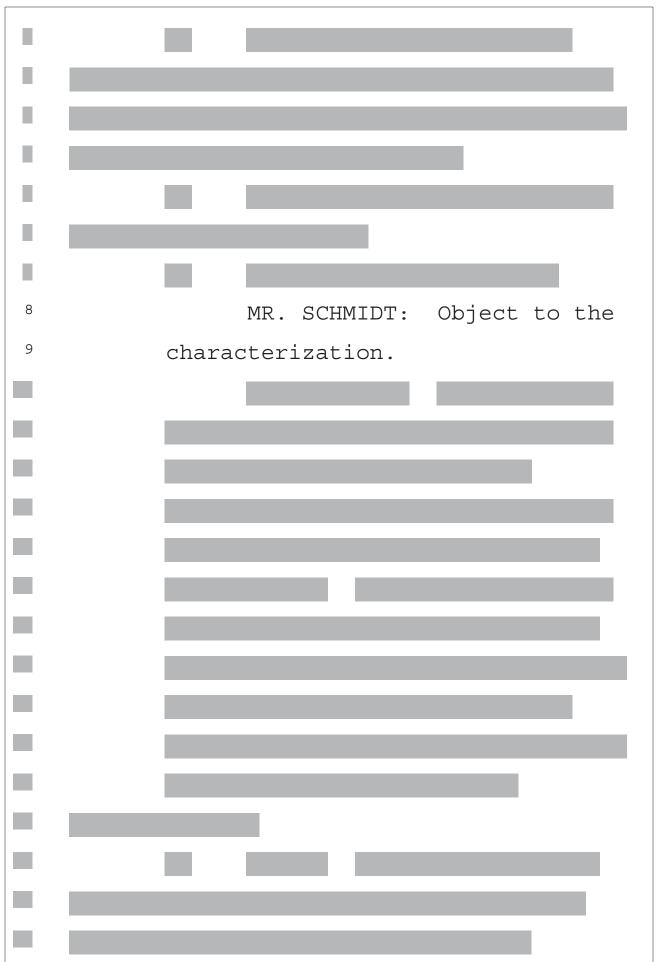
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 358 of 607 PageID # 165070 Highly Confidential Expression Further Confidential Expression Review





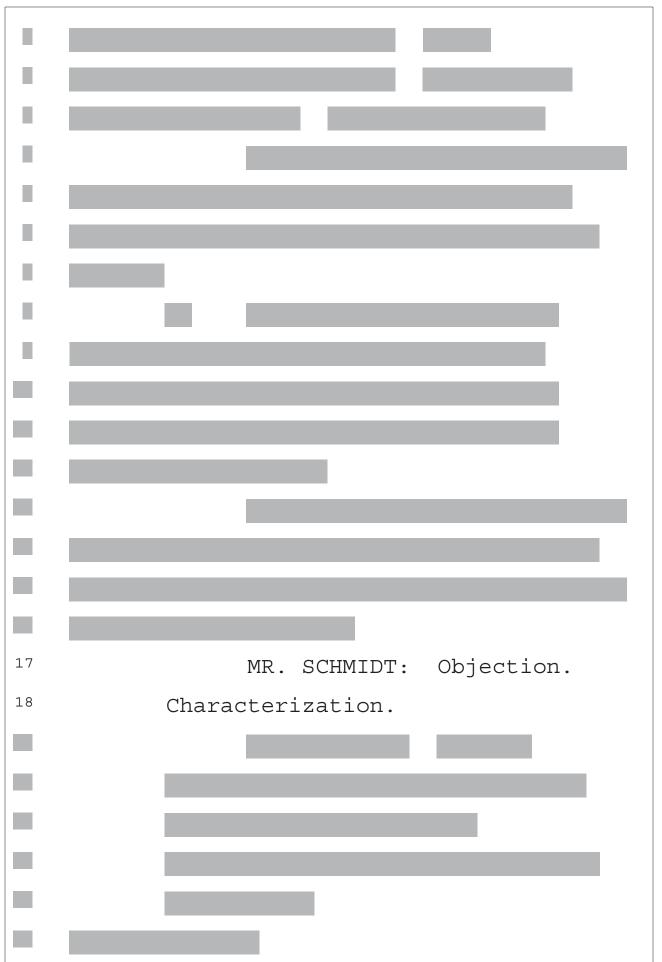
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 360 of 607 PageID # 165072 Highly Confidential # Review

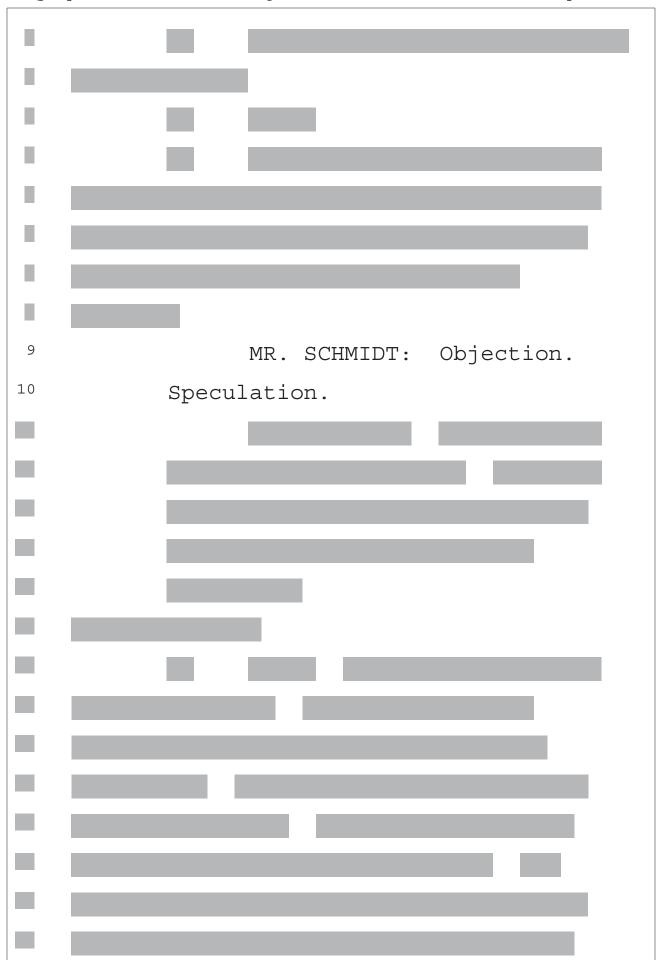




Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 362 of 607 PageID #: 165074 Highly Confidential #: 1800 Ject to Further Confidential #: Review



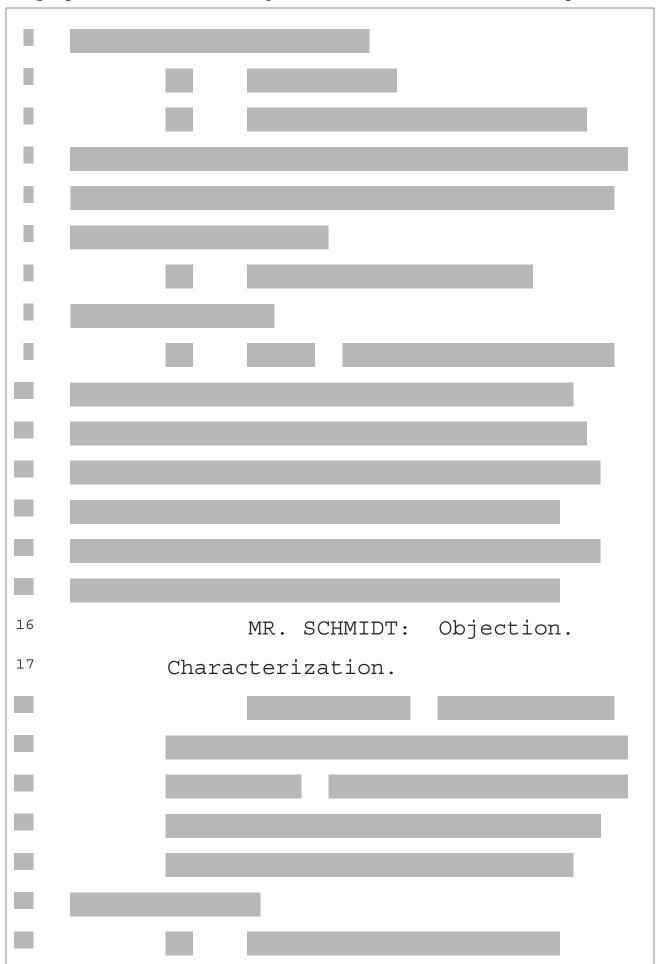


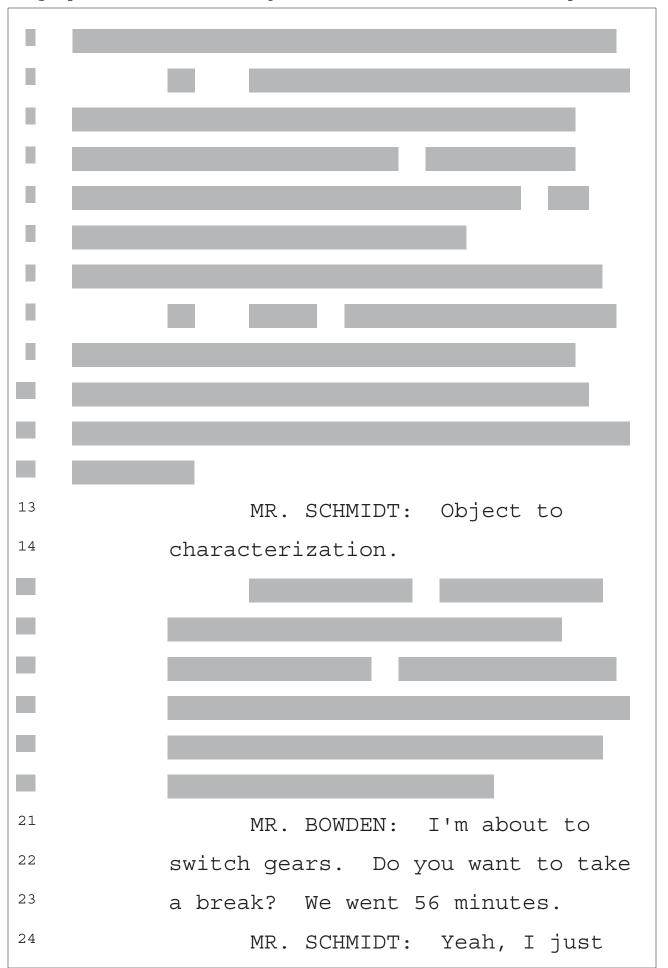






```
1
           Object to characterization.
                                          I'11
2
           move to strike the preamble.
3
                  THE WITNESS: What's the
           question?
5
    BY MR. BOWDEN:
6
                  I'll rephrase it since
7
    there's an objection.
16
                  MR. SCHMIDT: Objection.
17
           Foundation.
```





```
1
           figure -- don't want to be here
2
           late into the night.
3
                 MR. BOWDEN: That's fine. I
           just want to get some water.
5
                 THE VIDEOGRAPHER: Okay.
6
           Stand by, please. The time is
7
           4:01 p.m. Going off the record.
8
                 (Brief recess.)
9
                 THE VIDEOGRAPHER: We are
10
           back on the record. The time is
11
           4:16 p.m.
12
    BY MR. BOWDEN:
13
           Q.
                 All right, Mr. Mahoney.
```

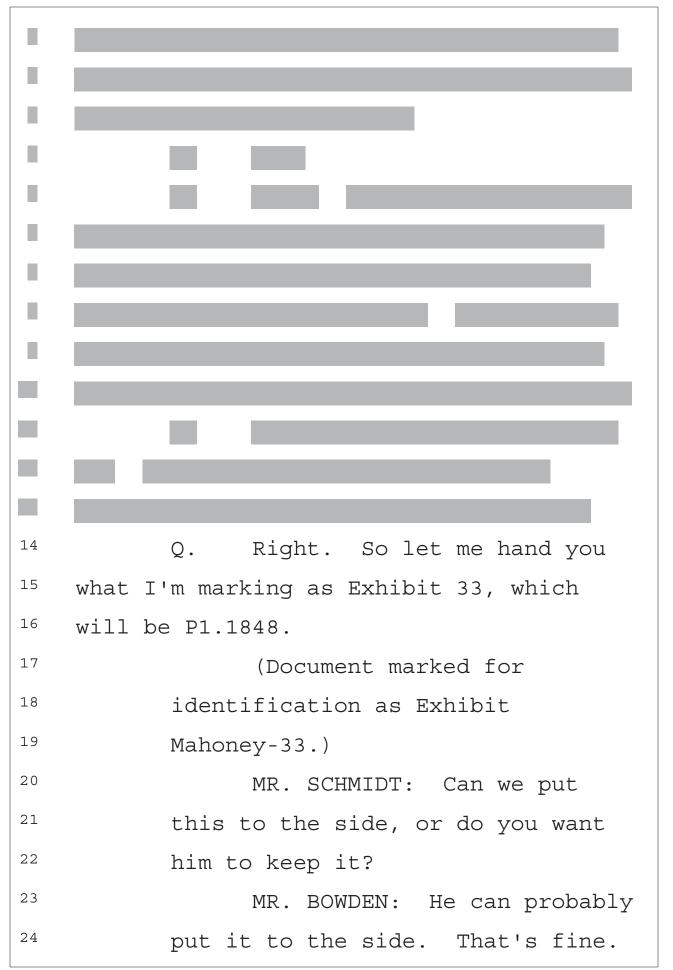
4 Okay. Well, just in 0. general, though, having controls in place 5 6 to make sure that opioids get into the 7 right hands is a good thing, right? 8 Α. Yes. 9 It's a good thing because 10 opioids can have a dramatic impact on 11 people's lives, addiction, injury, 12 potentially death, right? 15 Right. But that's not what Ο. 16 the DEA was concerned with, was it? 17 wasn't people such as yourself who might 18 take it for a brief period of time and 19 then let go of it. It was for the 20 epidemic that had been brewing since the 21 2000s, right? 22 MR. SCHMIDT: Objection. 23 THE WITNESS: I've had 24 interactions actually recently

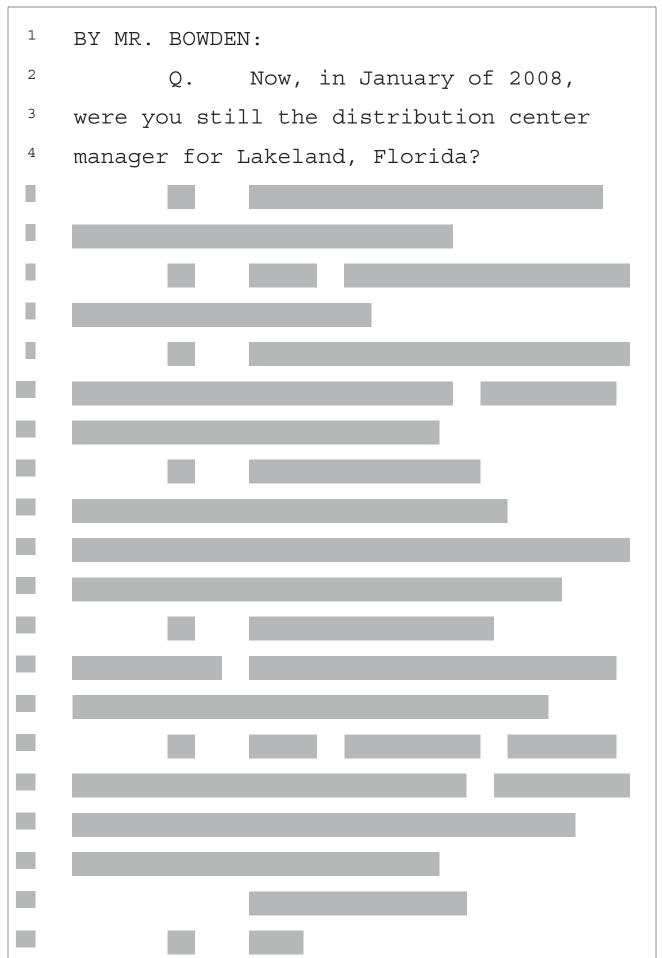
```
1
           with the DEA around Hurricane
2
           Michael in which they wanted to
3
           make sure that people had access
           to their opioids.
5
    BY MR. BOWDEN:
6
                 Okay. And -- okay.
7
    you're talking about something that's
8
    going to be an act of God or a natural
9
    disaster, making sure that the support is
10
    there so that people get medication who
11
    were prescribed medication and should be
12
    legitimately taking it, right?
13
                  I'm sorry. Can you repeat
14
    the last --
15
                 What you're talking about
16
    anecdotally is that there might be very
17
    narrow circumstances in which the DEA
18
    might want drugs to go out there to make
19
    sure that people with legitimate medical
20
    needs, that their needs are met, correct?
21
                  I think -- I think that the
22
    DEA understands that it's gray in terms
23
    of determining, especially from a
24
    distributor's point of view, how hard it
```

- is to determine whether something is for legitimate medical purpose or it's for
- some other illicit purpose. And that's
- 4 why we do what we do.
- ⁵ Q. Okay. Well, I'm going to
- 6 hand you what I've marked as Exhibit 32
- ⁷ to your deposition. This would be
- ⁸ P1.1845.
- 9 (Document marked for
- identification as Exhibit
- Mahoney-32.)
- 12 BY MR. BOWDEN:
- Q. And you know that McKesson
- 14 also distributes methadone, right?
- ¹⁵ A. Yes.
- Q. And in 2008, McKesson was
- distributing methadone, right?
- ¹⁸ A. Yes.

Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 374 of 607 PageID # 165086 Highly Confidential # Review

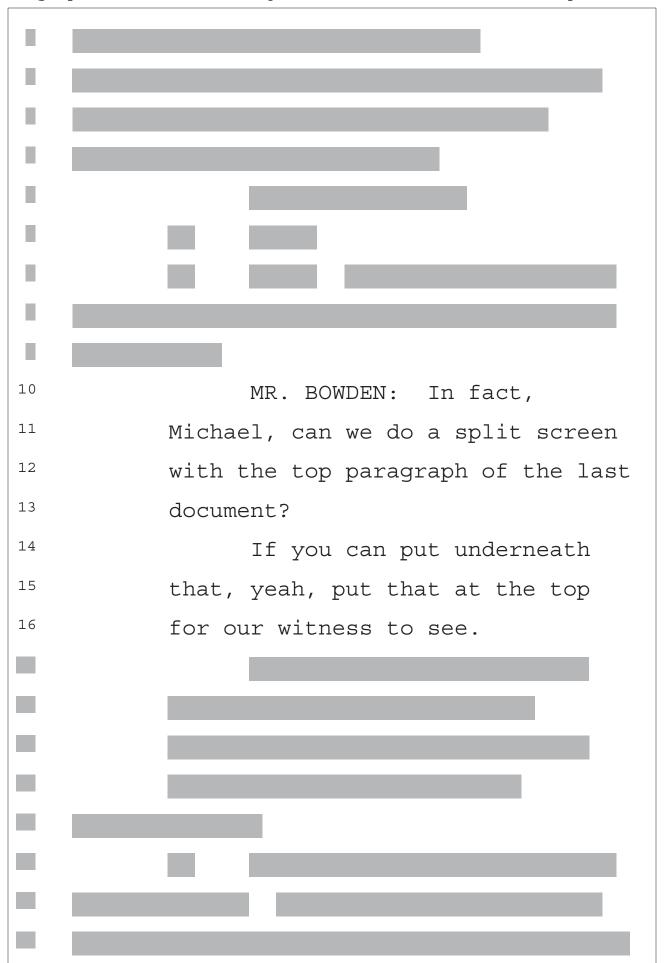


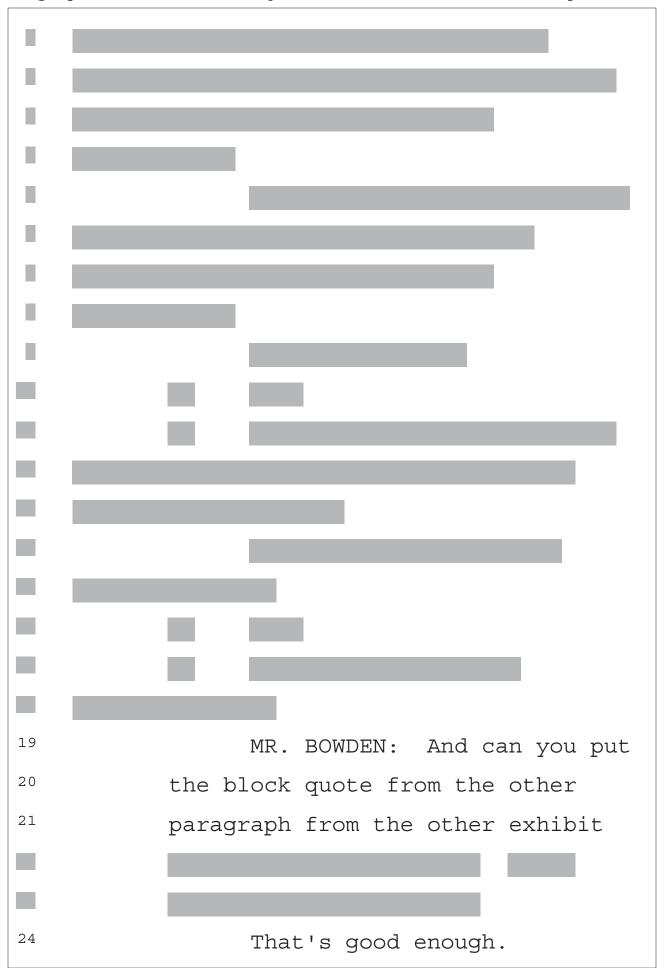




Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 377 of 607 PageID #: 165089 Highly Confidential #: 1800 Ject to Further Confidential #: Review

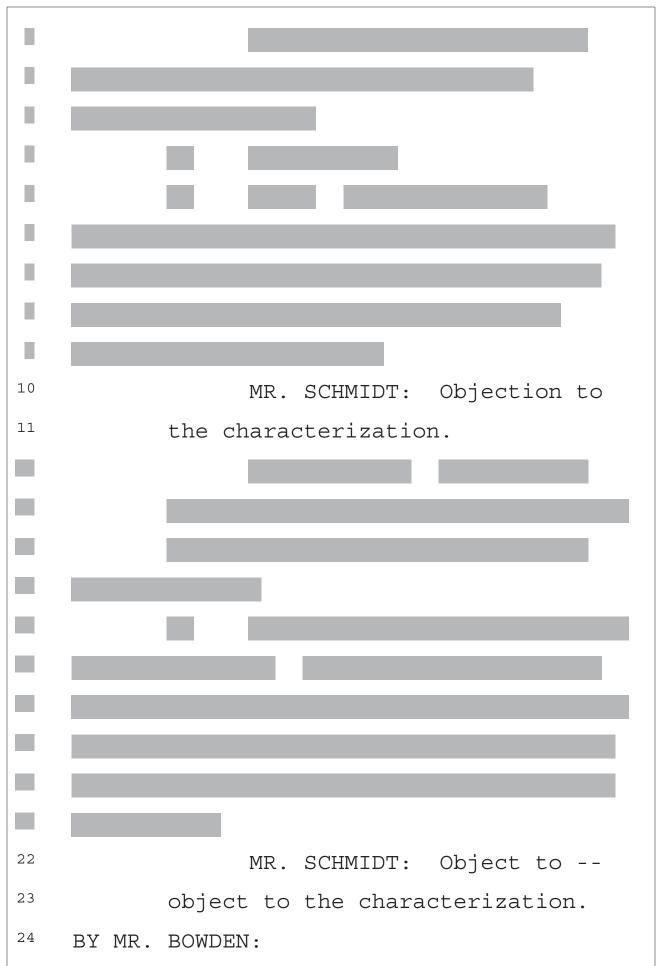






```
1
    BY MR. BOWDEN:
2
                  While he's doing that we'll
           Q.
    go ahead and read it.
21
                  MR. SCHMIDT: Objection.
22
           Compound.
23
    BY MR. BOWDEN:
24
                  That's what this document
           Q.
```

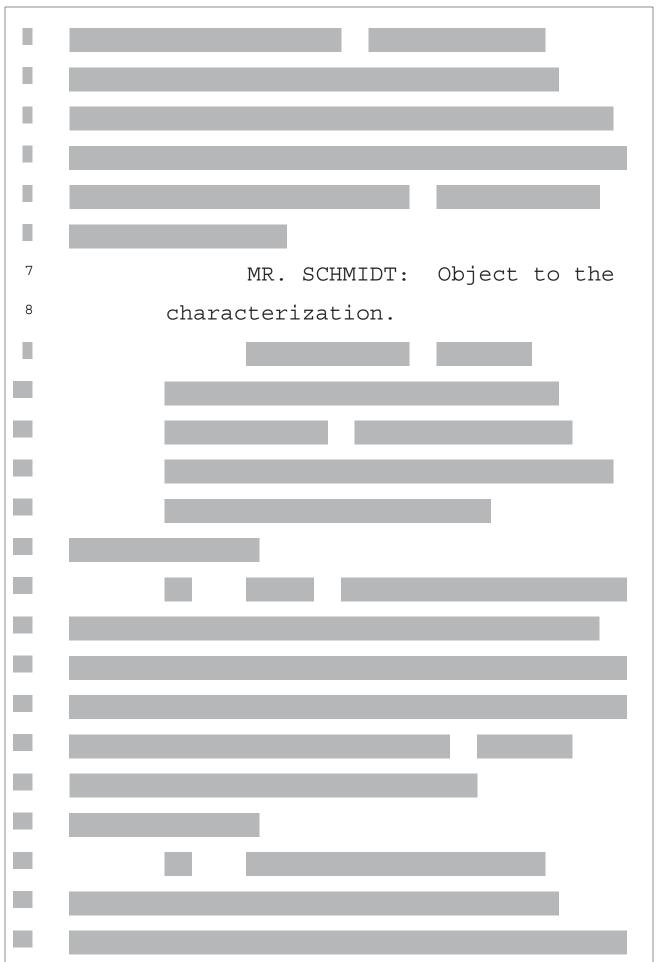




Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 383 of 607 PageID #: 165095 Highly Confidential #: 1800 Ject to Further Confidential #: Review



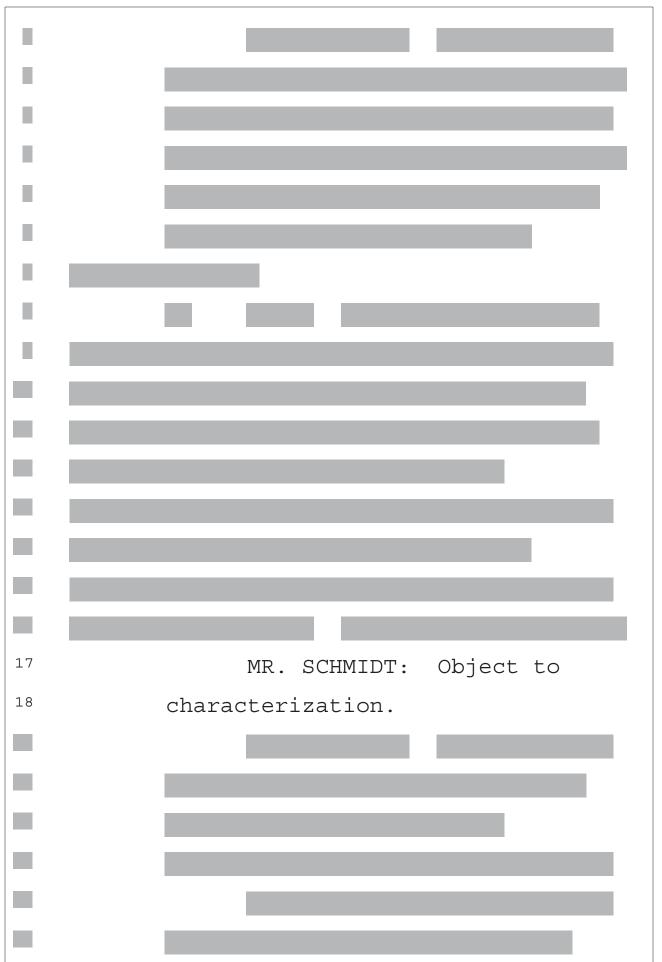
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 384 of 607 PageID #: 165096 Highly Confidential #: - Subject to Further Confidential #: Review



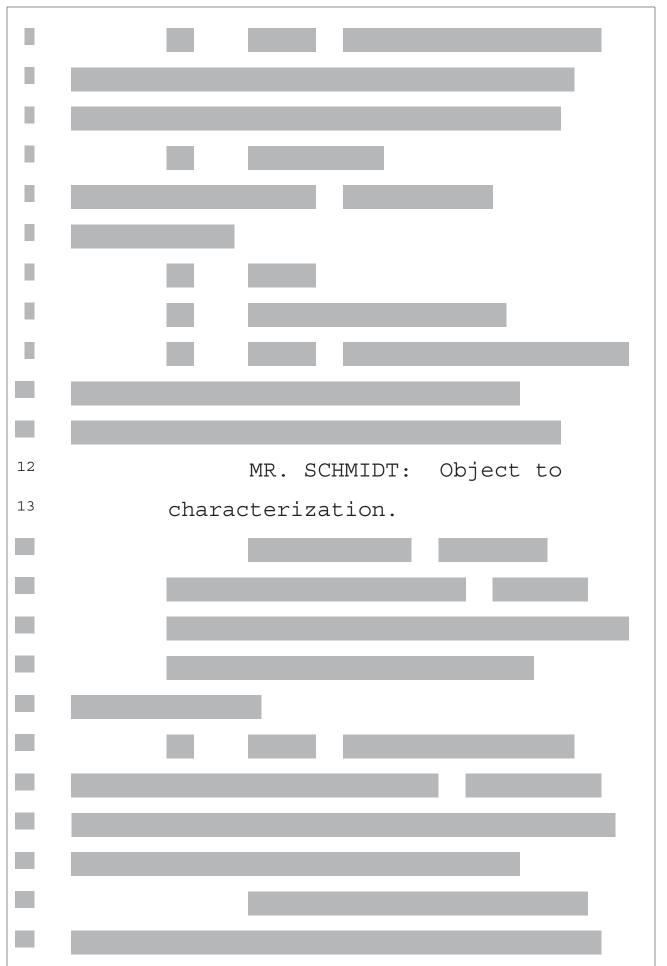
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 385 of 607 PageID # 165097 Highly Confidential Expression Further Confidential Expression







_	
6	BY MR. BOWDEN:
7	Q. Okay. All right. I'm going
8	to hand you what I will mark as 34,
9	Exhibit 34 to your deposition. That will
10	be P-1.1959.
11	(Document marked for
12	identification as Exhibit
13	Mahoney-34.)
	Manoney-34.)
14	MR. SCHMIDT: Sorry.
15	MR. BOWDEN: No problem.
16	BY MR. BOWDEN:
_	



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 390 of 607 PageID # 165102 Highly Confidential Expression Further Confidential Expression Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 391 of 607 PageID # 165103 Highly Confidential Expression



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 392 of 607 PageID #: 165104 Highly Confidential Expression Further Confidential Expression Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 393 of 607 PageID # 165105 Highly Confidential Expression Further Confidential Expression



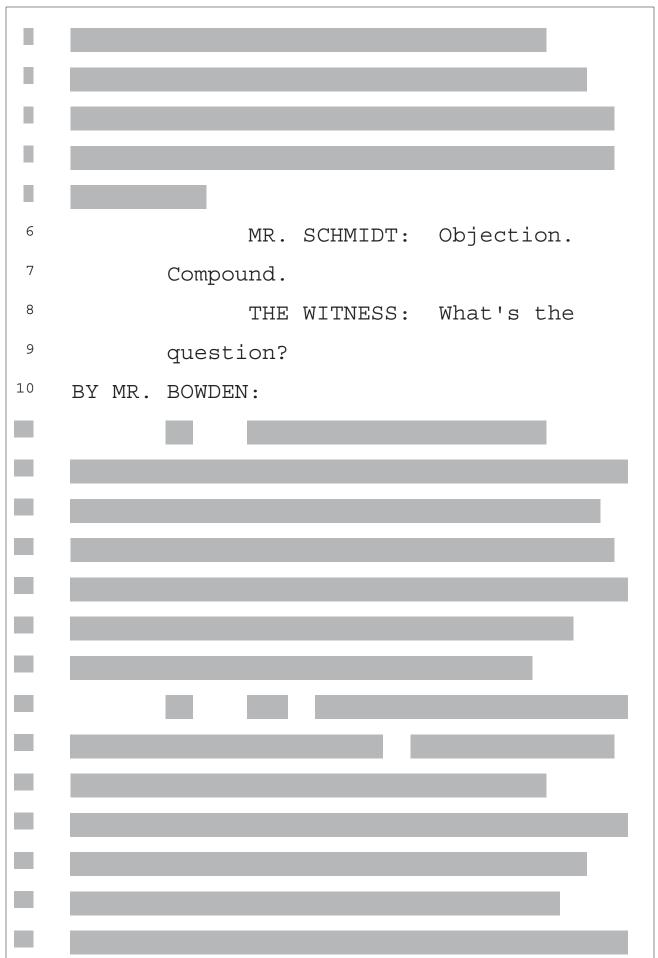
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 394 of 607 PageID # 165106 Highly Confidential Expression Further Confidential Expression

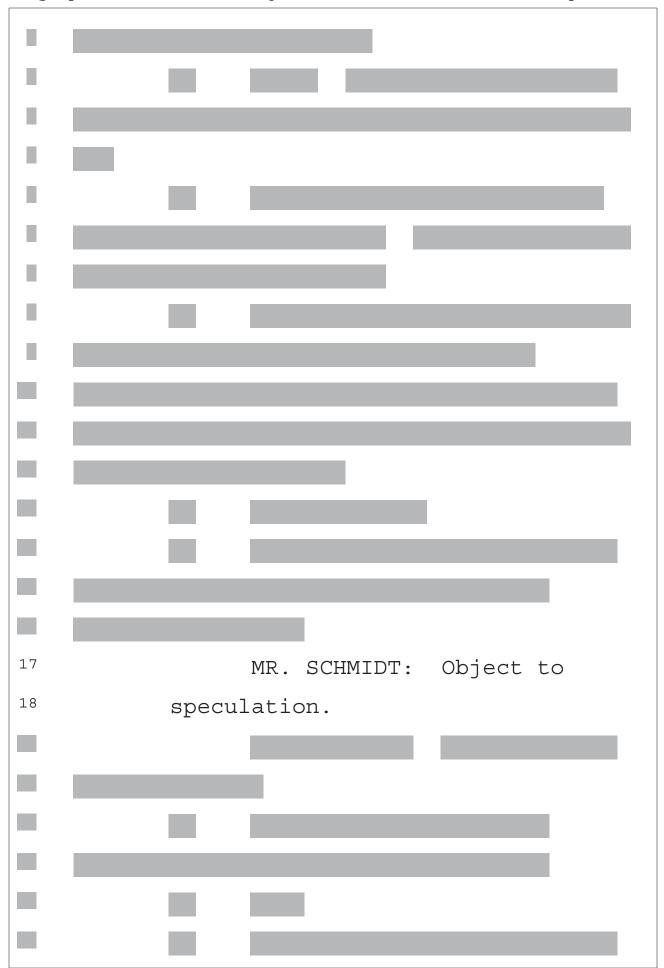


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 395 of 607 PageID # 165107 Highly Confidential Exercises



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 396.of 607 PageID #: 165108 Highly Confidential Ey Review





Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 398 of 607 PageID #: 165110 Highly Confidential Expression Further Confidential Expression Review



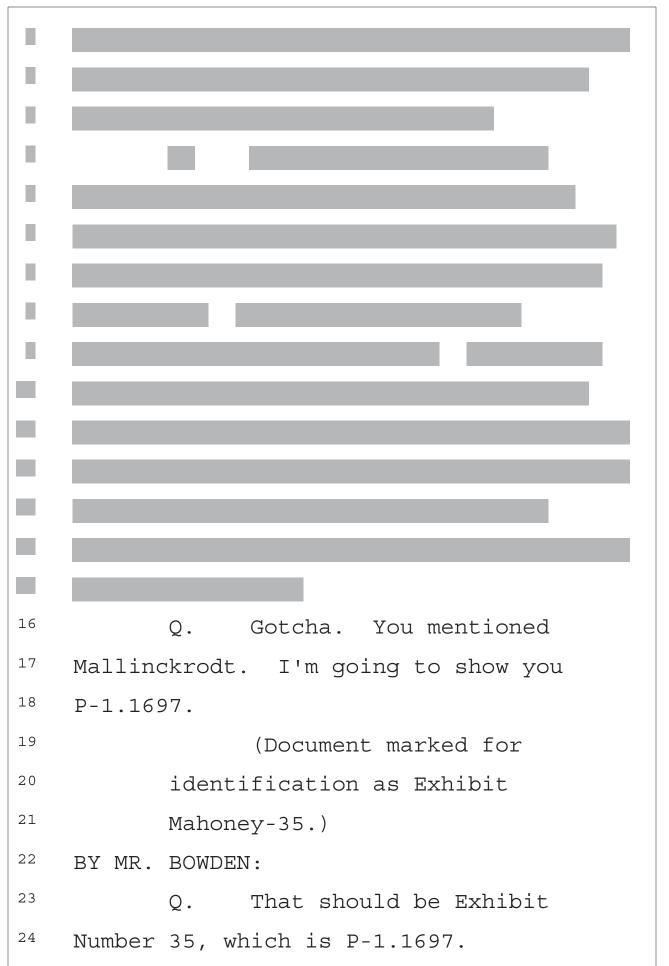
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 399 of 607 PageID # 165111 Review

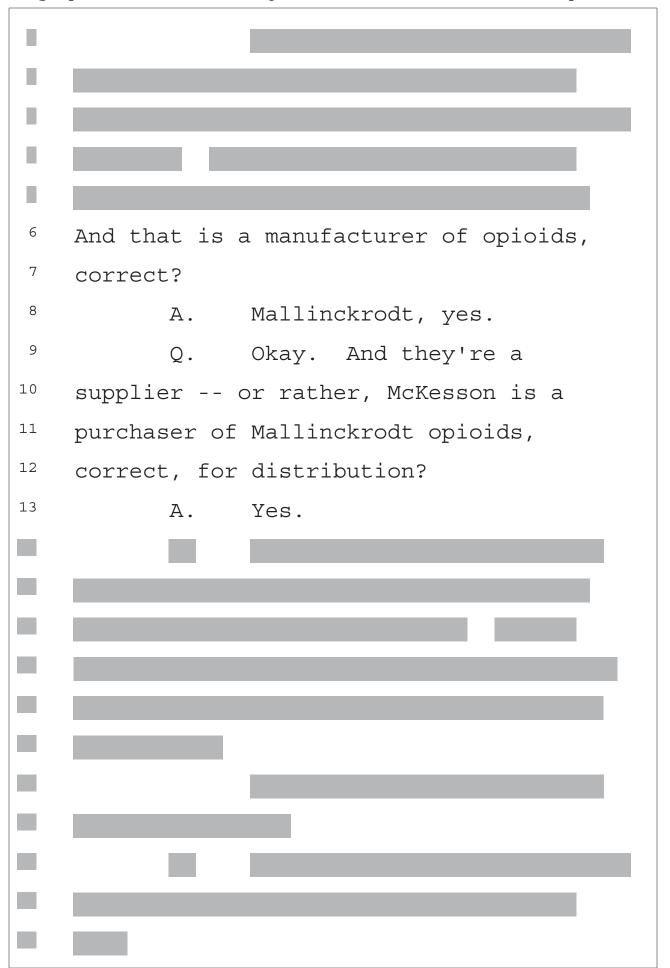




Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 401 of 607 PageID # 165113 Highly Confidential Expression







Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 404 of 607 PageID #: 165116 Highly Confidential Expression Further Confidential Expression Review

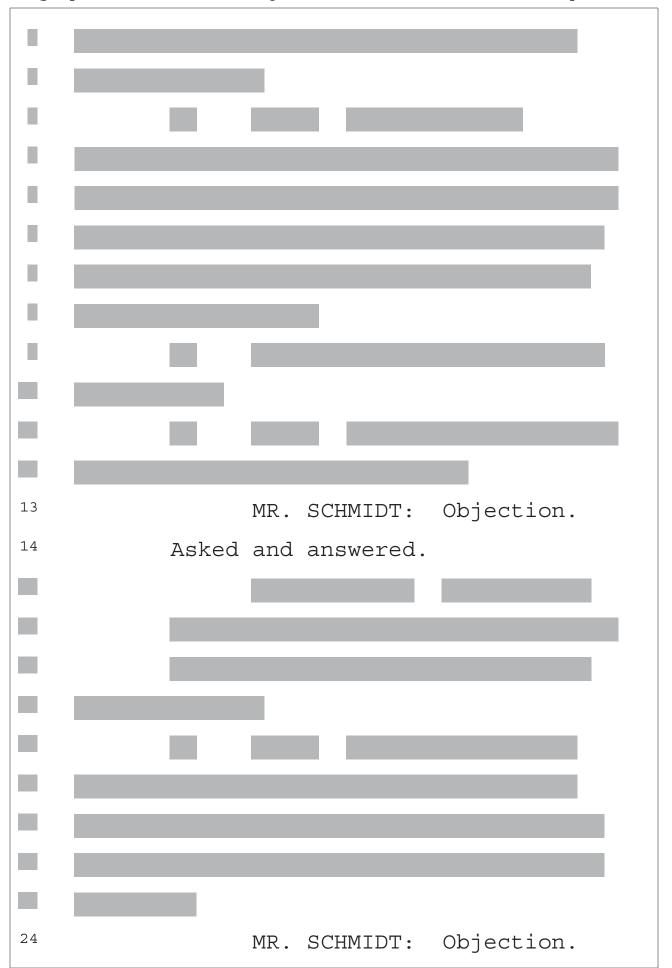


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 405 of 607 PageID # 165117 Highly Confidential Exercises

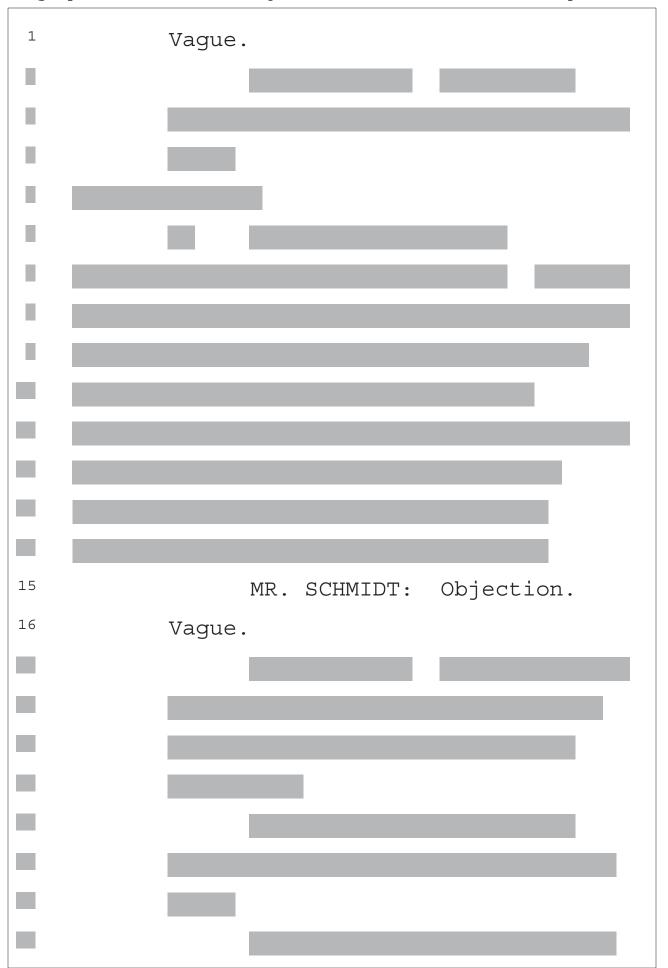


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 406.of 607 PageID #: 165118 Highly Confidential Expression Further Confidential Expression Review



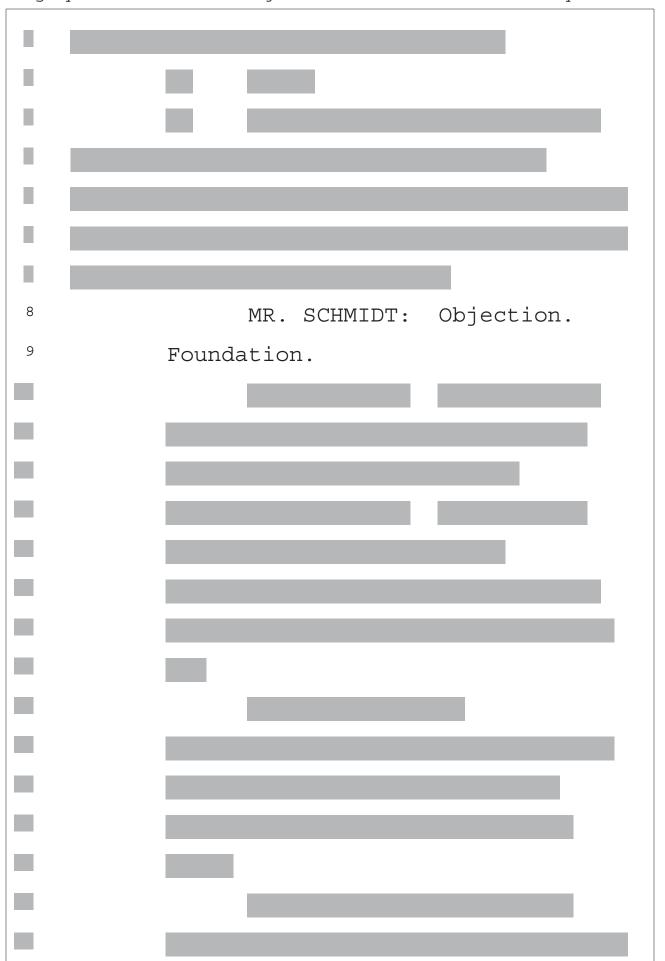


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 408 of 607 PageID #: 165120 Highly Confidential ty Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 409 of 607 PageID #: 165121 Highly Confidential #: 1800 Ject to Further Confidential #: Review







```
1
    BY MR. BOWDEN:
2
                 I'm not asking the context
    of this e-mail.
                 MR. SCHMIDT: Let him finish
           his answer, please. I think he
5
6
           gets to answer your question.
7
                 You can answer the question.
23
                 MR. SCHMIDT: Objection.
24
           Vaque.
```

Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 413 of 607 PageID #: 165125 Highly Confidential #: 1800 Ject to Further Confidential #: Review



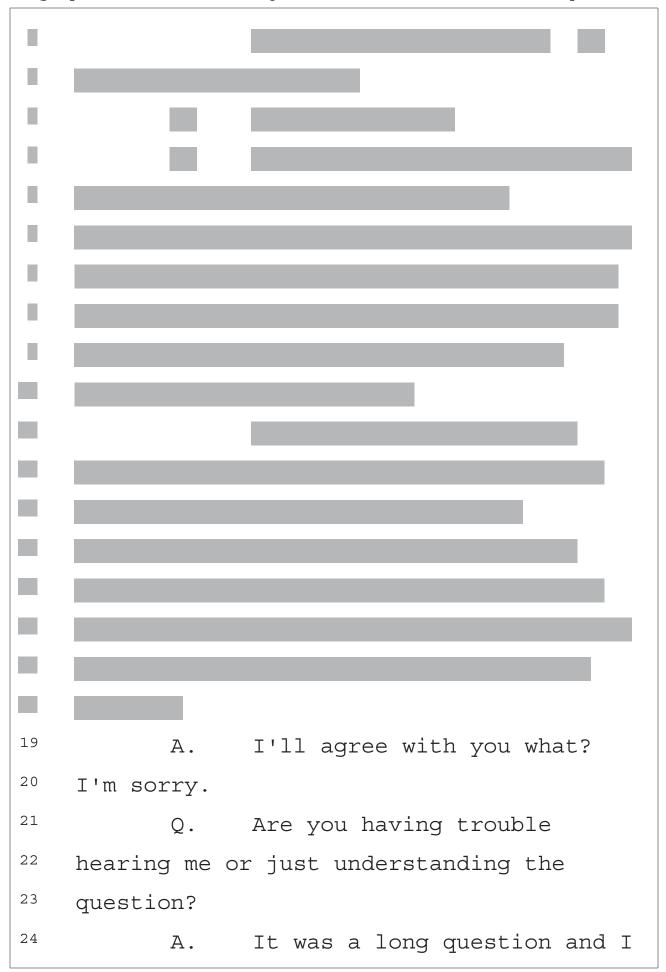
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 414 of 607 PageID #: 165126 Highly Confidential #: 1800 Ject to Further Confidential #: Review



```
7
                  Okay. Switching over to --
           Q.
    I'll hand you what I'm marking as
8
    Exhibit Number 36. P-1.1990.
9
10
                  (Document marked for
           identification as Exhibit
11
12
           Mahoney-36.)
13
    BY MR. BOWDEN:
19
                  MR. SCHMIDT: Object to
20
           characterization.
21
    BY MR. BOWDEN:
```

Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 416.of 607 PageID #: 165128 Highly Confidential Expression Further Confidential Expression Review









1	MR. BOWDEN: Off the record
2	real quick. Can you say the time.
3	THE VIDEOGRAPHER:
4	44 minutes on the record. And
5	total 5 hours and 46 minutes.
6	MR. SCHMIDT: That's not
7	correct. We've been going since
8	4:01.
9	THE VIDEOGRAPHER: You mean
10	the time on the record?
11	MR. SCHMIDT: This last
12	break, we've been going since
13	4:01. It was the wrong time down.
14	MR. BOWDEN: I just wanted
15	to use full time. I'm not asking
16	to take a break.
17	MR. SCHMIDT: Maybe I wrote
18	down the wrong time. But I
19	thought we'd been going for six
20	hours.
21	THE VIDEOGRAPHER: We've
22	been on the record for 45 minutes.
23	And the record on the camera is
24	five hours and 46 minutes.

1	Should I stop the camera?
2	MR. SCHMIDT: No, let's stay
3	on the record. Unless you want
4	to
5	MR. BOWDEN: No, I just
6	asked to go off to get a count.
7	MR. SCHMIDT: I might
8	have just to be clear, I might
9	have written down the wrong time.
10	THE VIDEOGRAPHER: No
11	problem.
12	MR. SCHMIDT: It's just the
13	extra 15 minutes at this time of
14	day, it felt like it crushed my
15	soul. So I had to react.
16	MR. BOWDEN: I'll withhold
17	the comments on the soul.
18	MR. SCHMIDT: That comes in
19	spades, my friend.
20	MR. BOWDEN: I'll tell you
21	what, let's pause for a second.
22	I'm cutting down some documents.
23	Not to I'm not going to leave
24	or anything. Go off the record

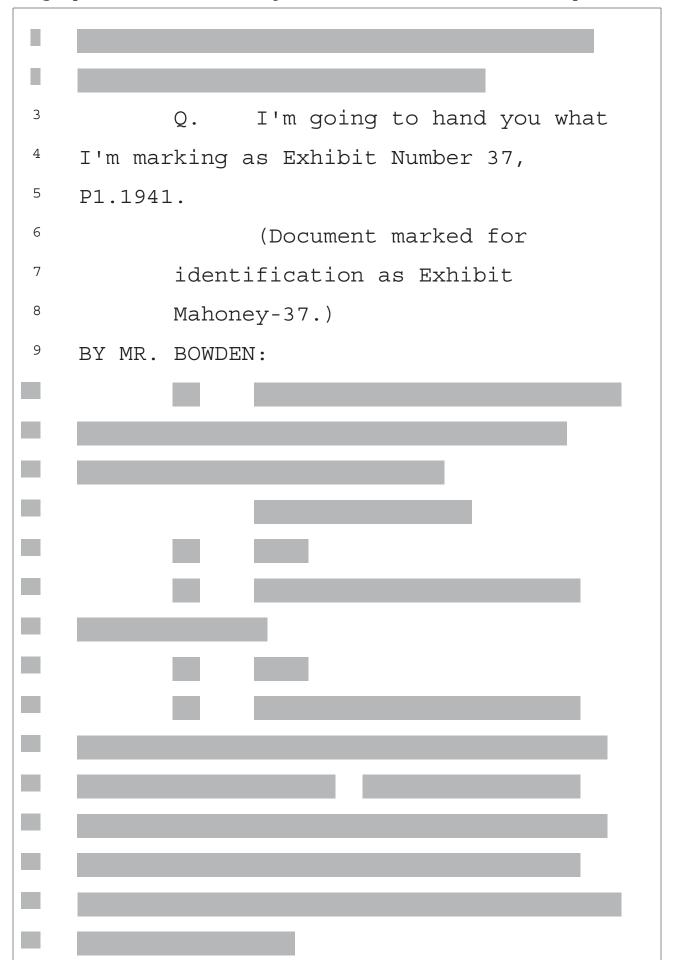
```
1
           for a second.
2
                  THE VIDEOGRAPHER: The time
3
           is 5:02 p.m. Off the record.
4
                  (Short break.)
5
                  THE VIDEOGRAPHER: The time
6
           is 5:05 p.m. Back on the record.
7
    BY MR. BOWDEN:
8
                  Sir, you're familiar with
9
    the HDMA, correct?
10
           Α.
                 Yes.
11
                 And that was an industry
12
    organization in which McKesson was a
    member?
13
14
           Α.
                 Yes.
15
                 All right. And that
16
    industry trade group -- is that fair to
    call it an industry trade group?
17
18
           Α.
                 Yes.
19
                  -- helped to develop or had
20
    developed its own guidelines for
21
    monitoring of suspicious ordering; is
22
    that right?
23
                  I think they had worked with
24
    members in order to collect some best
```

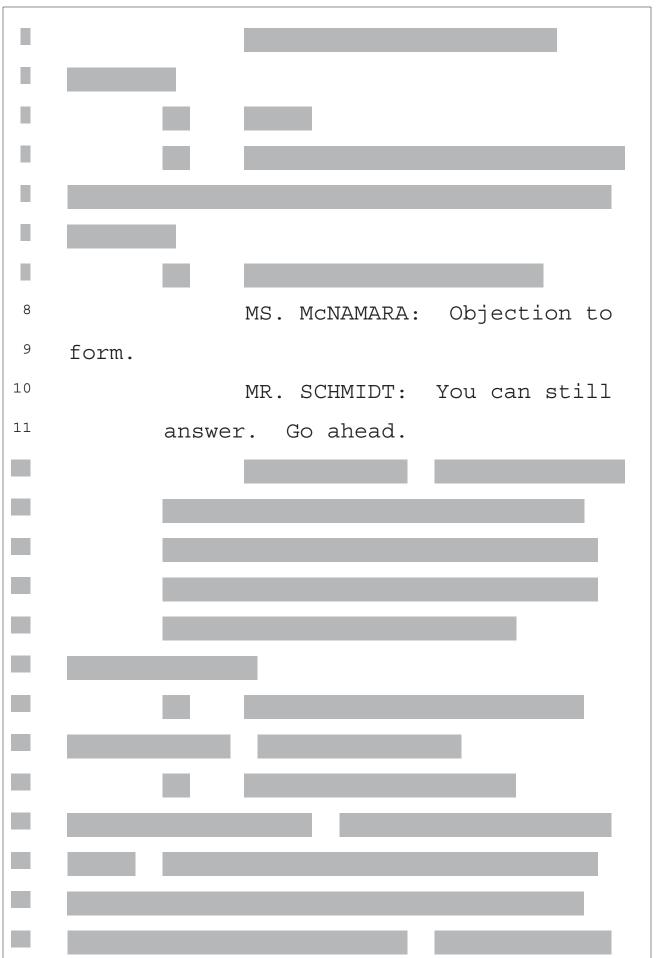
Case: 1:17-md-02804-DAP Doc.#: 1964-33 Filed: 07/23/19 423.of 607, PageID #: 165135 Highly Confidential ty Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 424 of 607 PageID #: 165136 Highly Confidential #: 1800 Ject to Further Confidential #: Review

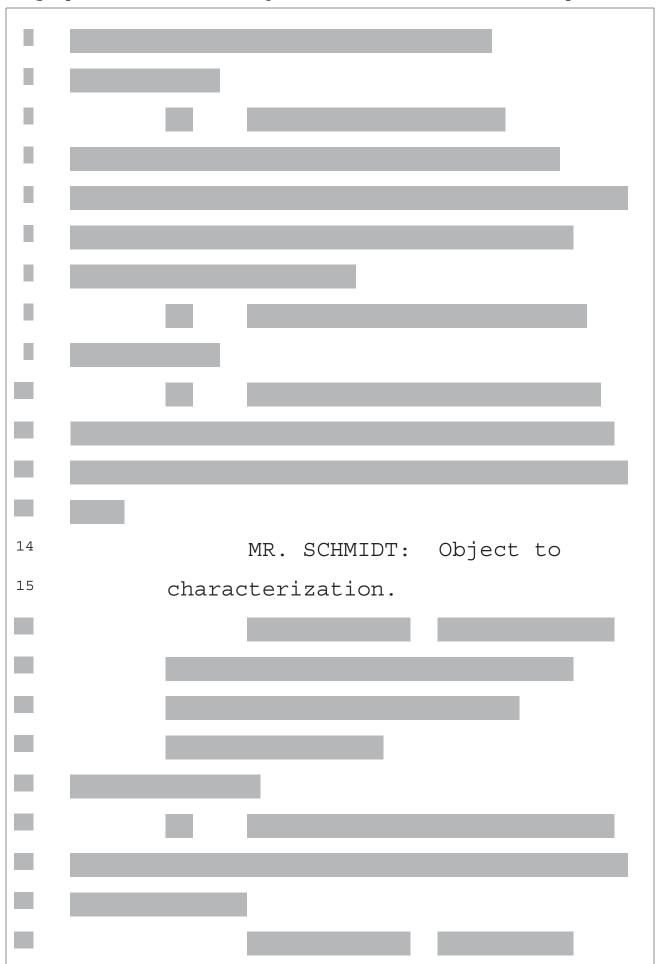






Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 427 of 607 PageID # 165139 Highly Confidential Expression

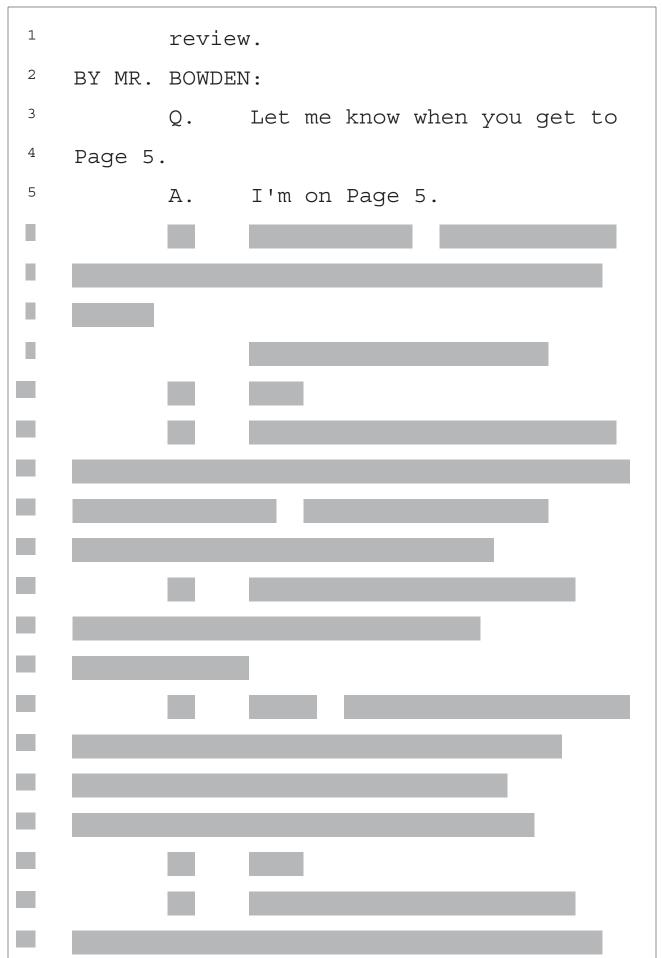


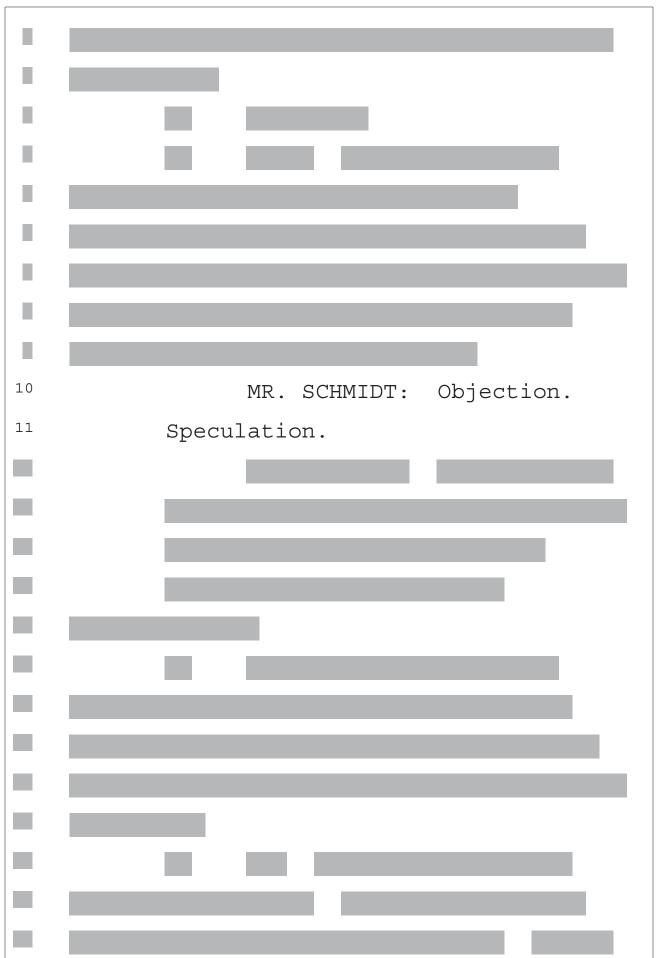


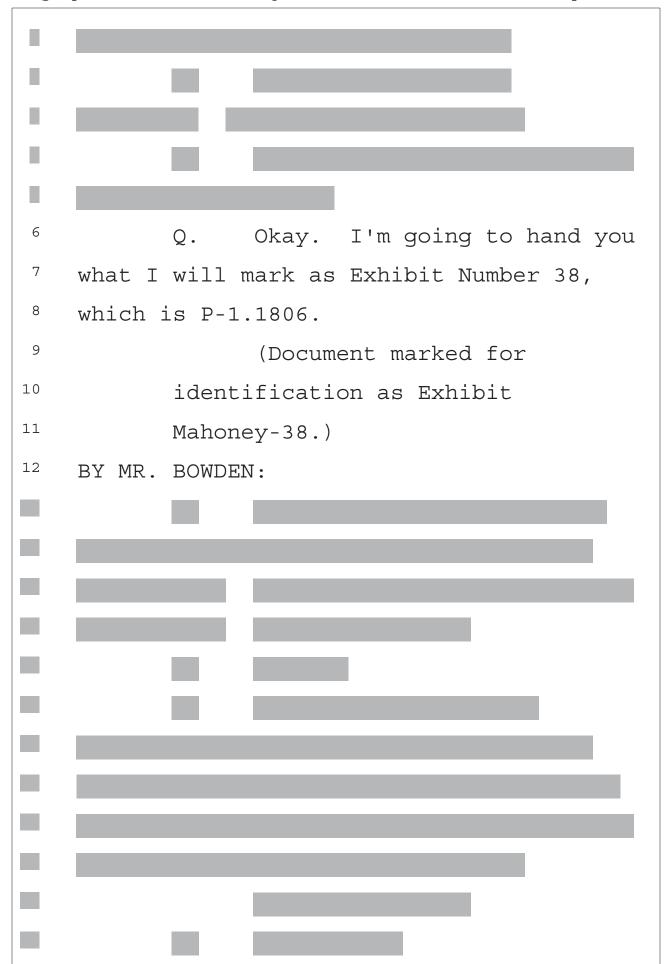
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 429 of 607 PageID #: 165141 Highly Confidential #: 1800 Ject to Further Confidential #: Review

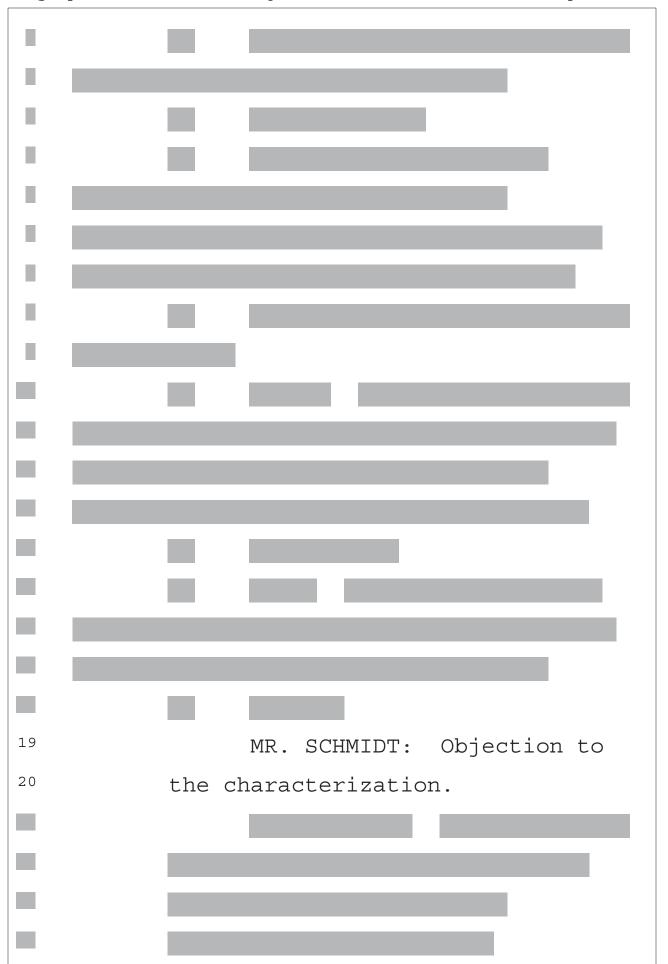












Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 435 of 607 PageID # 165147 Highly Confidential Exercises





Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 437 of 607 PageID #: 165149 Highly Confidential #: 165149 Review

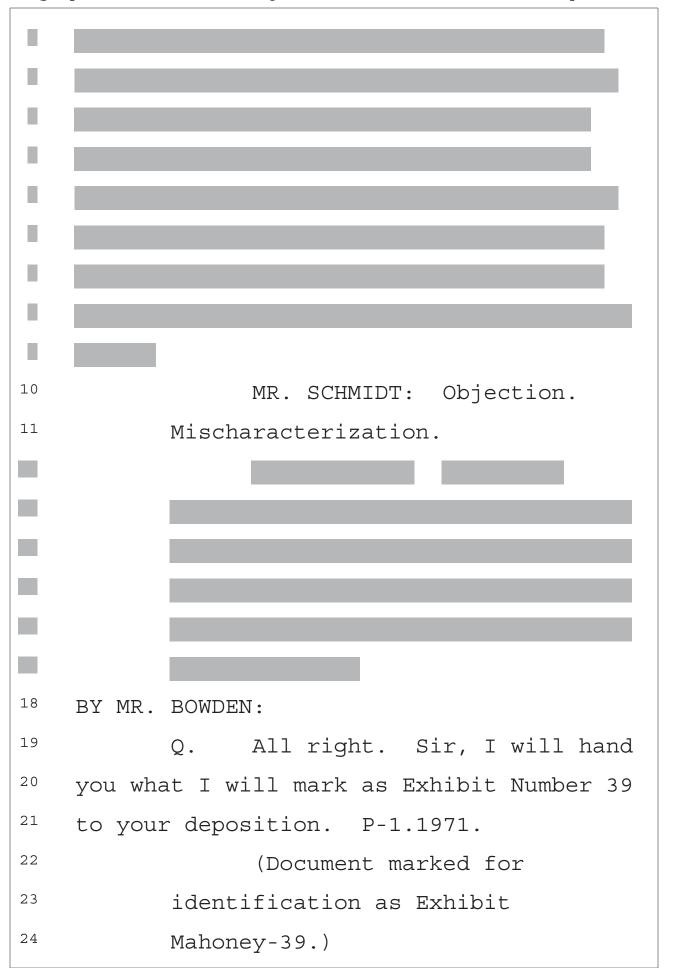


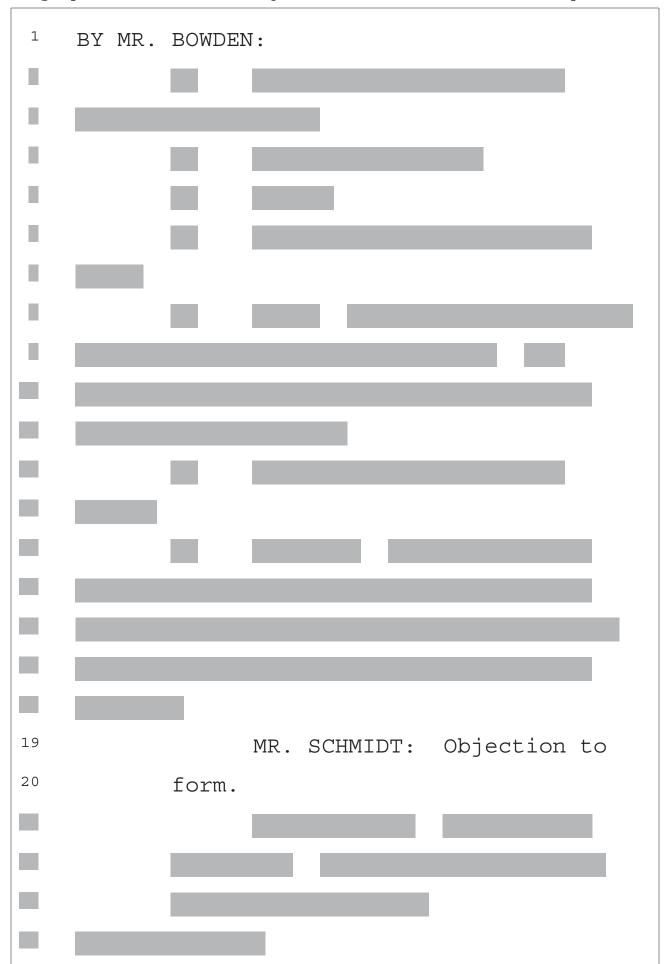
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 438 of 607 PageID # 165150 Highly Confidential Exercises

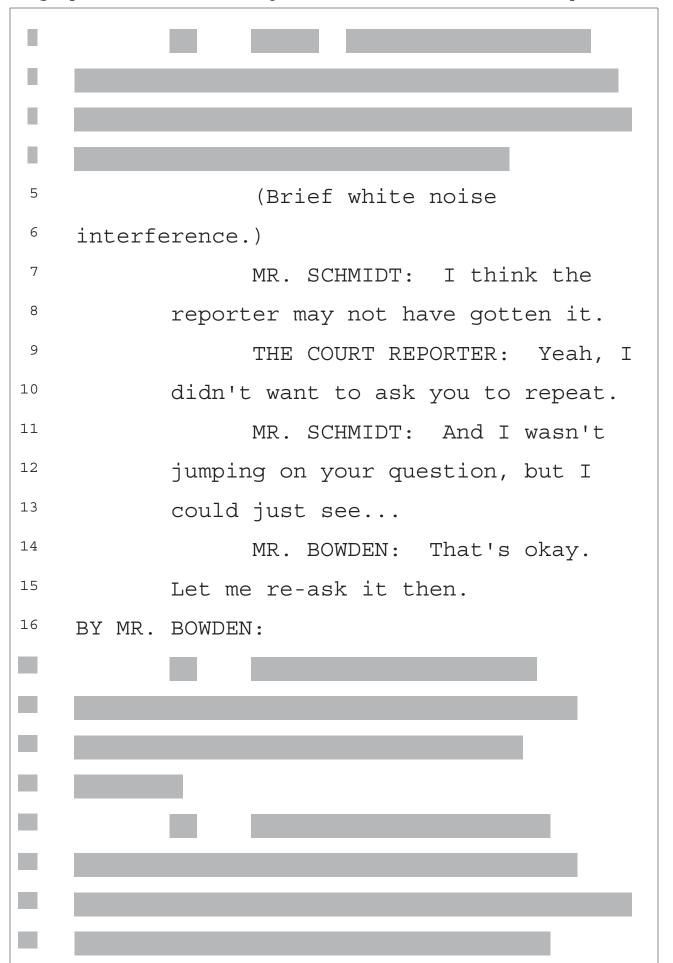


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 439 of 607 PageID # 165151 Highly Confidential Expression Further Confidential Expression Review









Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 443 of 607 PageID #: 165155 Highly Confidential #: 1800 Ject to Further Confidential #: Review





Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 445 of 607 PageID #: 165157 Highly Confidential Expression Further Confidential Expression Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 446.of 607 PageID #: 165158 Highly Confidential Expression Further Confidential Expression Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 447 of 607 PageID #: 165159 Highly Confidential Expression Further Confidential Expression Review

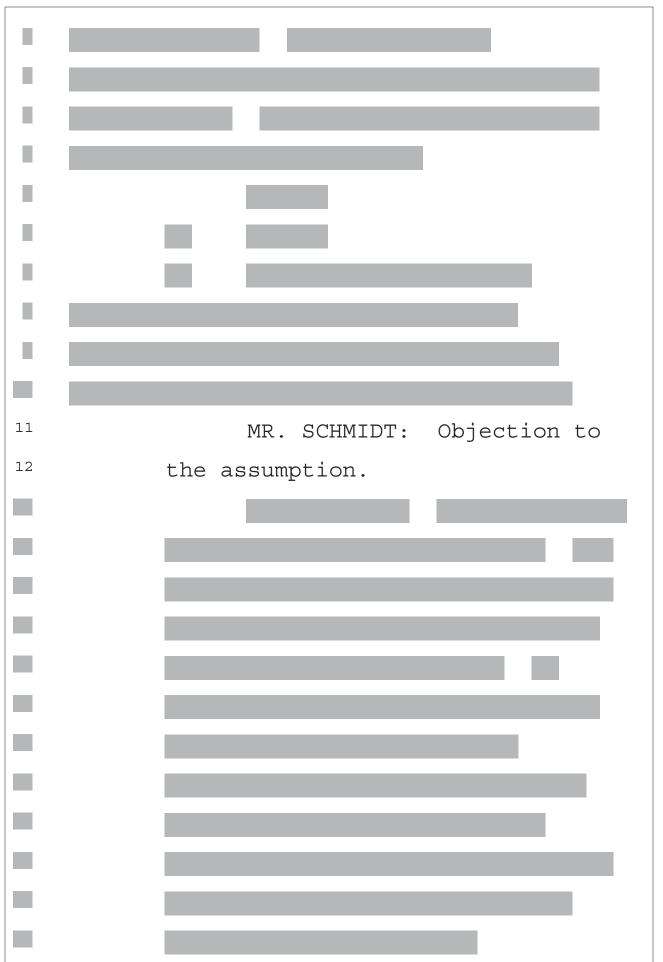


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 448 of 607 PageID #: 165160 Highly Confidential Expression Further Confidential Expression Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 449 of 607 PageID #: 165161 Highly Confidential #: 1800 Ject to Further Confidential #: Review





Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 451 of 607 PageID#: 165163 Highly Confidential ty Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 452 of 607 PageID #: 165164 Highly Confidential #: 1800 Ject to Further Confidential #: Review

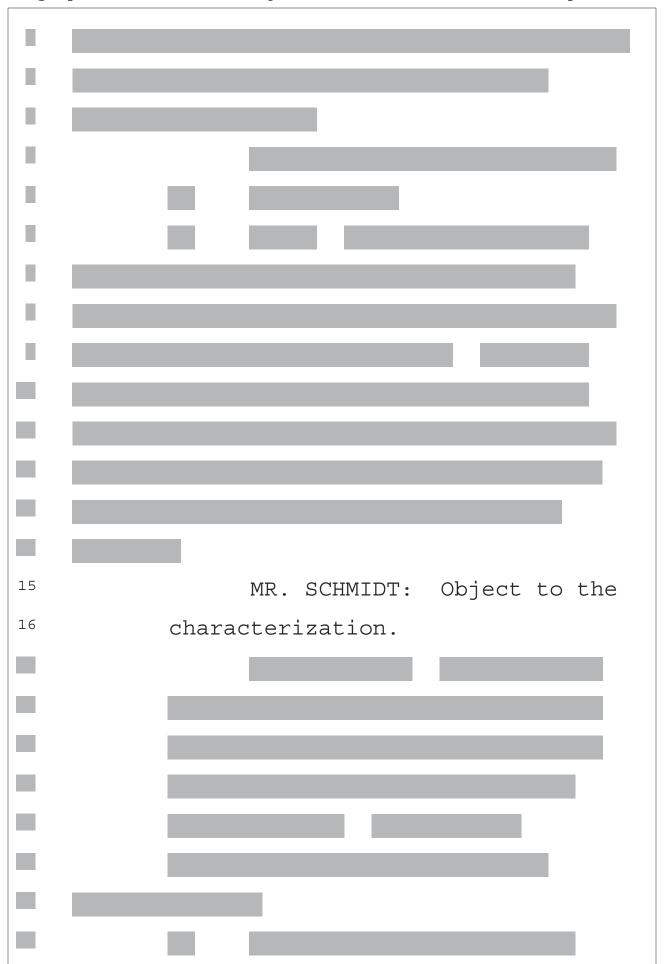


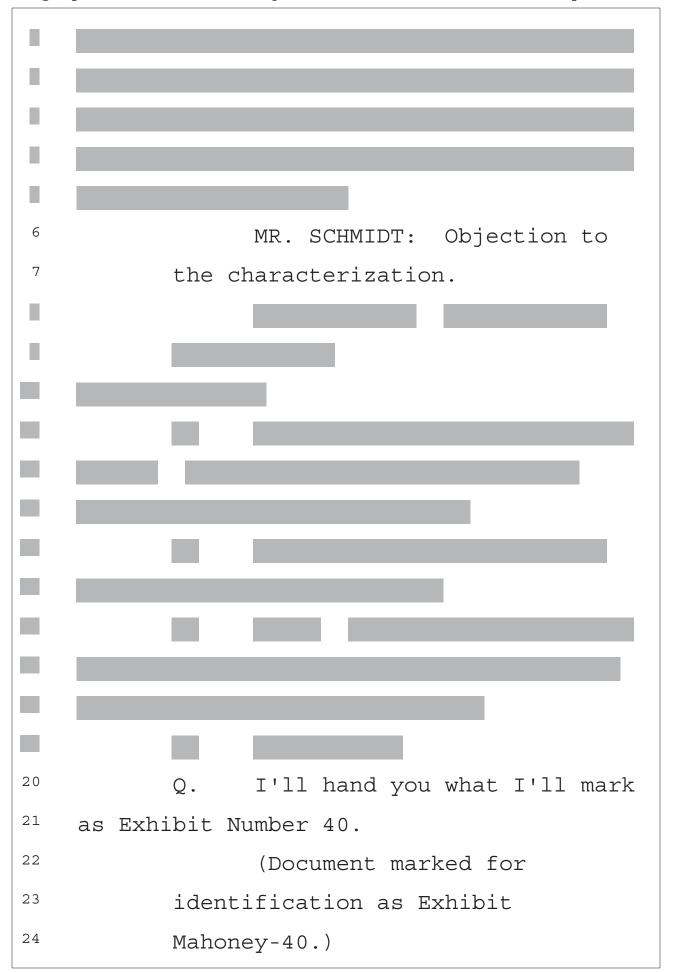
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 453 of 607 PageID #: 165165 Highly Confidential #: 1800 Ject to Further Confidential #: Review

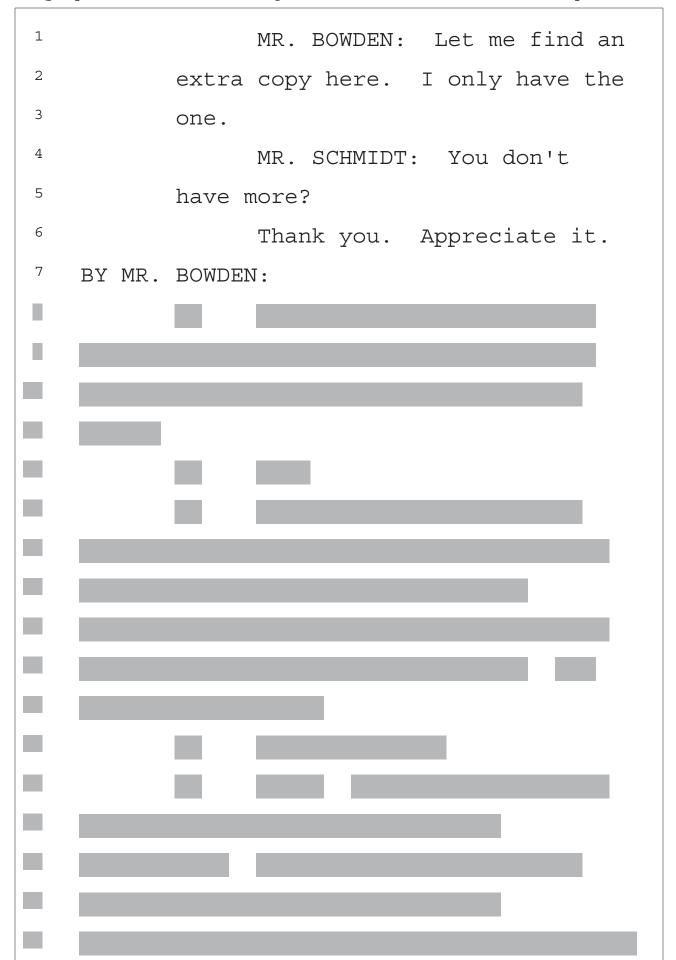


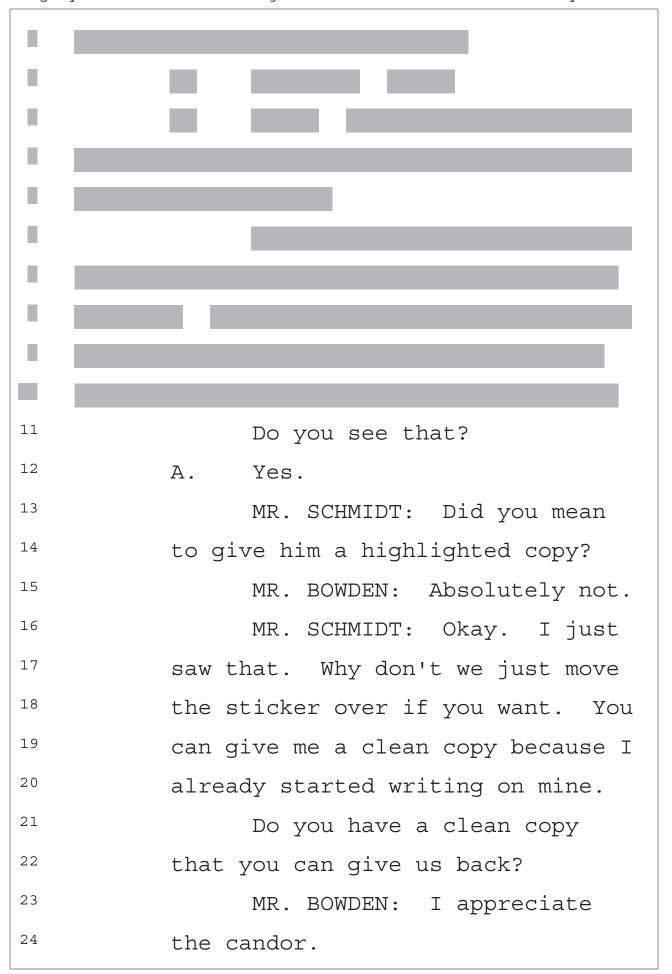
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 454 of 607 PageID #: 165166 Highly Confidential #: 1800 Ject to Further Confidential #: Review









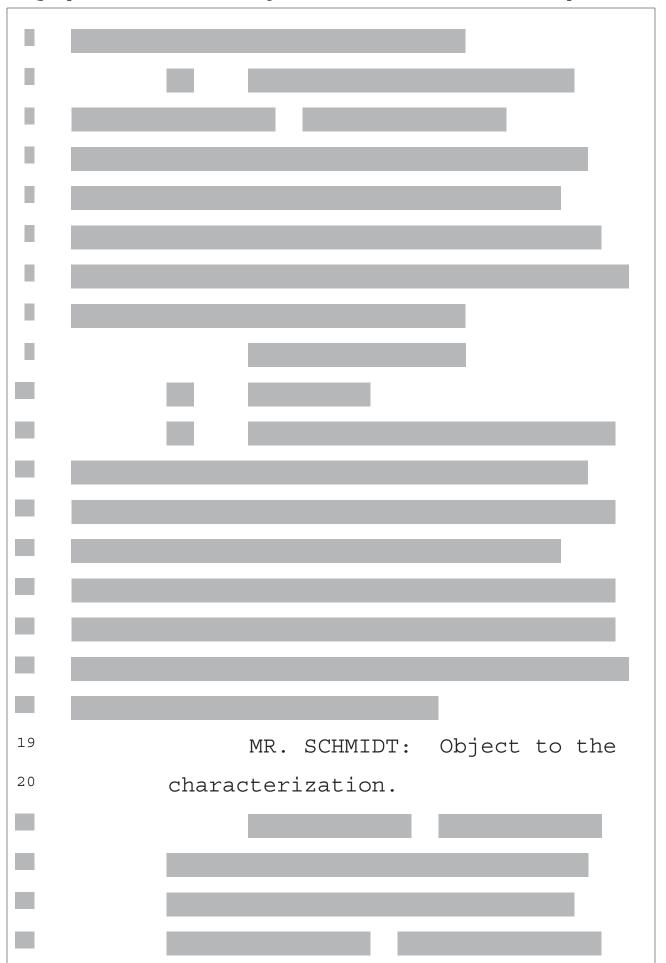


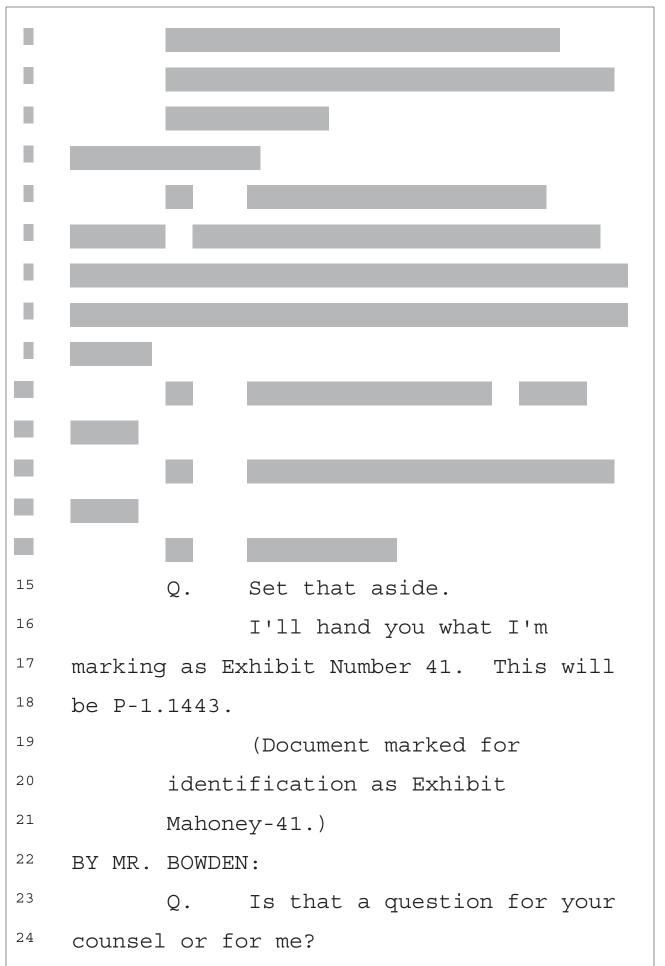


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 460 of 607 PageID # 165172 Highly Confidential # Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 461 of 607 PageID #: 165173 Highly Confidential #: 1800 Ject to Further Further Confidential #: 1800 Ject to Further Fur







Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 464 of 607 PageID #: 165176 Highly Confidential #: 1800 Ject to Further Confidential #: Review

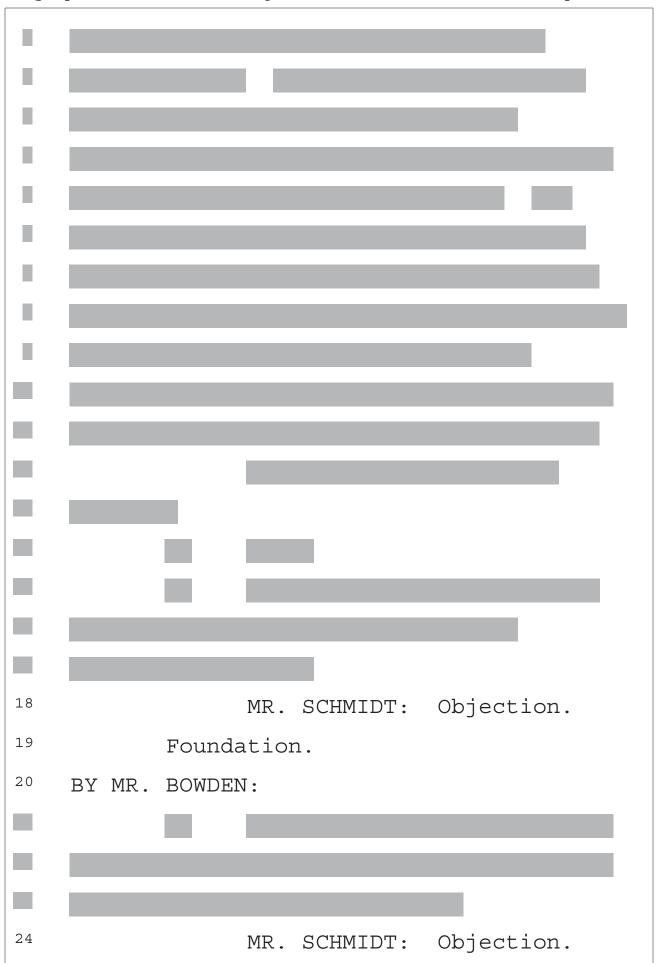


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 465 of 607 PageID #: 165177 Highly Confidential Expression Further Confidential Expression Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 466.of 607 PageID #: 165178 Highly Confidential Expression Further Confidential Expression Review





Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 468 of 607 PageID #: 165180 Highly Confidential Expression Further Confidential Expression Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 469 of 607 PageID #: 165181 Highly Confidential #: 1800 Ject to Further Confidential #: Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 470 of 607 PageID # 165182 Highly Confidential # Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 471 of 607 PageID #: 165183 Highly Confidential #: 1800 Ject to Further Confidential #: Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 472 of 607 PageID #: 165184 Highly Confidential #: 1800 Ject to Further Confidential #: Review

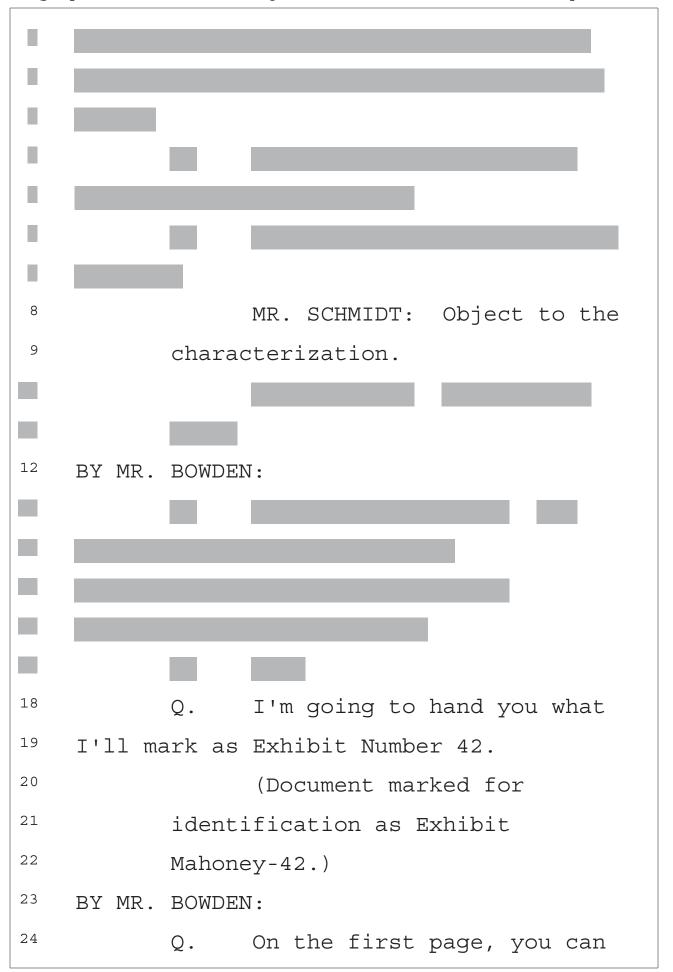


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 473 of 607 PageID # 165185 Highly Confidential # Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 474 of 607 PageID #: 165186 Highly Confidential #: 1800 Ject to Further Confidential #: Review





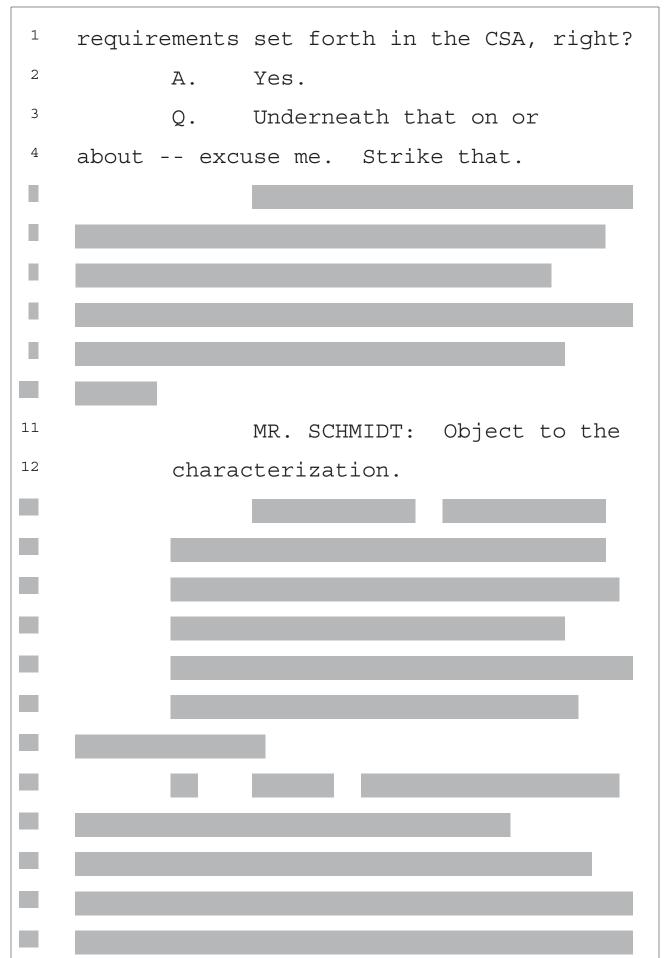
- see this is the administrative memorandum
- of agreement. It's between the DEA and
- ³ McKesson Corporation, right?
- ⁴ A. Yes.
- ⁵ Q. And in the background
- section, in Section Number 5, you can see
- ⁷ that there were -- read that together.
- ⁸ "Between March 2013 and the present, DEA
- 9 executed one additional AIW and served
- numerous administrative subpoenas and
- 11 conducted a number of cyclic inspections
- 12 at various McKesson U.S. pharmaceutical
- distribution centers Nationwide,
- including McKesson Washington Courthouse,
- Ohio, distribution center, McKesson
- Livonia, Lakeland, and Aurora."
- Do you see that?
- A. Yes.
- Q. On Page 2, you see Bullet
- Point Number 7?
- 21 A. Page 2, Number 7.
- Q. It cites that, "On" -- "On
- or about November 14, 2014, McKesson
- received a letter dated November 4, 2014,

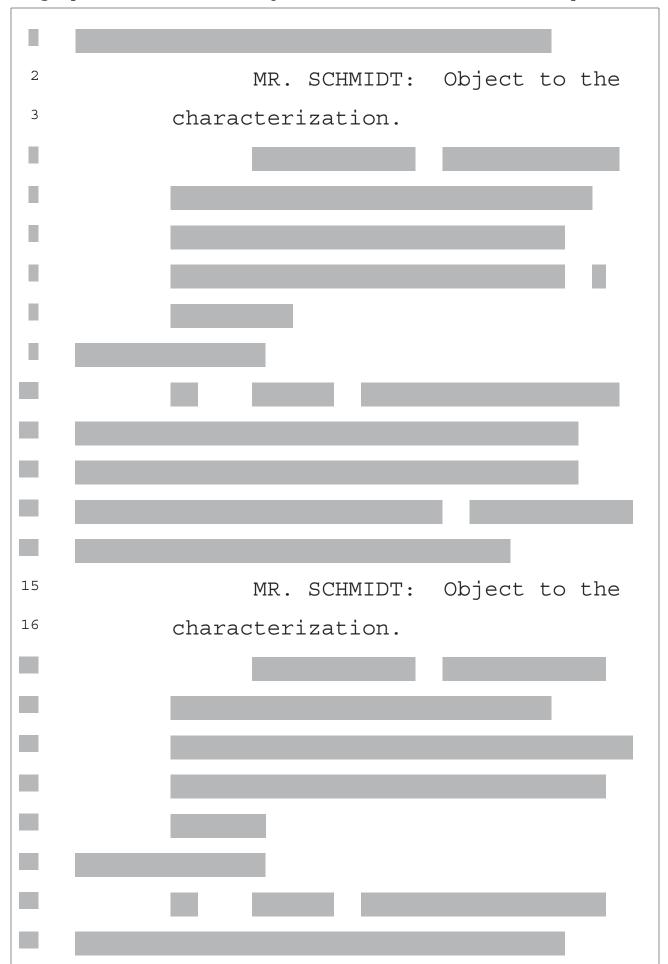
1 from the DEA stating the DEA was 2 separately pursuing administrative action against McKesson-Aurora for the conduct outlined in the August 13, 2014, letter." 5 Do you see that? 6 Α. Yes. 7 Q. And they go --8 The prior letter? Α. Right. 9 Q. 10 Okay. Α.

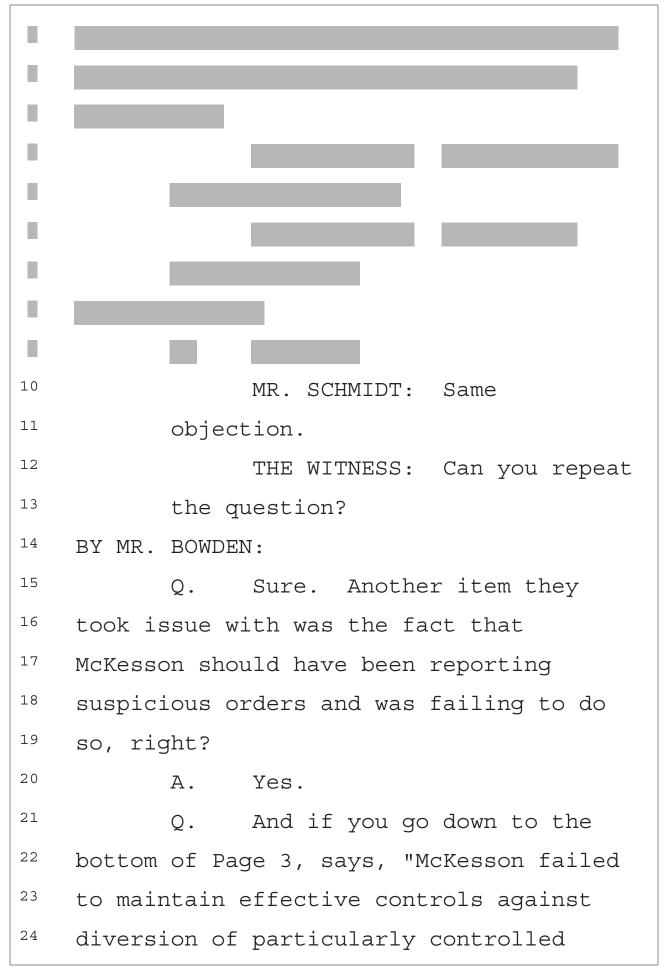
```
2
                  Go on to Page 3. As part of
           Q.
    this agreement, McKesson did accept
    responsibility. You're aware of that,
5
    right?
6
           Α.
                  I'm not sure the details of
7
    the settlement.
8
                 Well, let's look at
           0.
9
    bullet --
10
                 You're talking about Number
           Α.
11
    2 there?
12
                  Right. Number 2, acceptance
           Ο.
13
    of responsibility.
14
                  Mm-hmm.
           Α.
15
                  The -- halfway down, it
           Ο.
16
    says, "McKesson acknowledges that at
17
    various times during the period from
18
    January 1, 2009, up through and including
19
    the effective date of this agreement, it
20
    did not identify or report to DEA certain
21
    orders placed by certain pharmacies which
22
    should have been detected by McKesson as
23
    suspicious based on the guidance
```

contained in the DEA letters about the

24







- substances into other legitimate medical,
- ² scientific, and industrial channels by
- sales of certain" -- "by sales to certain"
- ⁴ of its customers in violation of the CSA
- 5 and the CSA implementing regulations."
- Do you see that?
- ⁷ A. Yes.
- ⁸ Q. And then it gives a list of
- 9 some of those distribution centers that
- failed to maintain effective controls
- ¹¹ against diversions, right?
- A. Yes.
- 0. And Lakeland, Florida, is
- one of those distribution centers, right?
- A. I see that.
- Q. And Lakeland, Florida, was
- one of the distribution -- distribution
- centers of which you had responsibility
- 19 for during that time period, right?
- A. Yes.
- Q. In fact, during that entire
- time period from 2008 up until this
- agreement was signed in 2017, you had
- responsibility for Lakeland, Florida,

```
1
    right?
2
                  From a regulatory
           Α.
3
    perspective?
4
           Ο.
                  Correct.
5
           Α.
                 Yes.
6
                 Now, as a result of this
           0.
7
    action, if you turn to Page 7, bullet
8
    point G. G, yes.
9
                  "McKesson agrees that its
10
    authority to distribute controlled
11
    substances containing the drug code for
12
    Schedule II hydromorphone products, that
13
    is DEA drug code 9150 from its
14
    McKesson-Lakeland distribution center,
15
    DEA certificate of registration
16
    PM0000771, will be suspended for a period
17
    of one year commencing from the effective
18
    date of the agreement except for orders
19
    placed by permitted registrants."
20
                  Do you see that there?
21
           Α.
                  I do.
22
                  So as part of the penalty
           Ο.
    for Lakeland distribution center not
23
    appropriately sending suspicious order
24
```

```
1
    reports to the DEA, their license to
2
    distribution center Schedule II products
    was suspended for a period of one year,
    right?
5
                                 I'll object to
                  MR. SCHMIDT:
6
           the characterization.
7
                  THE WITNESS: Hydrocodone,
8
           or hydromorphone?
9
    BY MR. BOWDEN:
10
                  Hydromorphone.
           Ο.
11
                  Was suspended for one year.
           Α.
12
    So that was a very narrow -- that's --
13
    that's one base code.
18
                  Okay. And ultimately, as a
19
    result of the settlement agreement,
20
    McKesson agreed to pay $150 million fine,
21
    correct?
22
           Α.
                  Yes.
23
                  MR. BOWDEN: Take a break.
24
                  THE VIDEOGRAPHER:
                                      Remove
```

```
1
           your microphones. The time is
           6:02 p.m. Going off the record.
2
3
                  (Short break.)
                  THE VIDEOGRAPHER: We are
5
           back on the record. The time is
6
           6:14 p.m.
7
8
                    EXAMINATION
9
10
    BY MR. SCHMIDT:
11
                  Mr. Mahoney, my name is Paul
12
    Schmidt. I represent McKesson in this
13
           We've been here for a very long
14
    day. We're now into the evening, and
15
    upside, so I'm going to be targeted in my
16
    questions to you.
17
                  Can you tell the jury how
18
    long you have been at McKesson.
19
           Α.
                  Almost 18 years. 17 to
20
    18 years.
21
                 And what is it about your
22
    work at McKesson that's made you stay
23
    there for that period of time?
24
                  Has good culture, and I
           Α.
```

- think the mission is something that I
- ² enjoy, empowering healthcare.
- Q. Can you describe for the
- ⁴ jury the role that McKesson
- 5 Pharmaceutical place in how prescription
- 6 medicines get from the companies that
- ⁷ make them to patients?
- ⁸ A. McKesson buys
- 9 pharmaceuticals from lots of different
- manufacturers and brings them into our
- 11 local DC where customers, i.e.,
- pharmacies and hospitals, are able to
- order them for next-day delivery so they
- have them when they need them.
- Q. Does McKesson
- 16 Pharmaceutical's work focus on
- interacting directly with doctors?
- A. Not generally, no.
- Q. Do you have an understanding
- of -- about whether when McKesson ships a
- 21 prescription medicine to a pharmacy, a
- patient is only able to get that medicine
- from the pharmacy if they've seen a
- doctor and the doctor has made a judgment

```
1
    that that patient should get a
2
    prescription for that medicine?
3
                  MR. BOGLE: Object to form.
4
                  THE WITNESS:
                                 McKesson
5
           provides the supply for pharmacies
6
           who are responding to scripts that
7
           patients bring them generated by a
8
           doctor.
9
    BY MR. SCHMIDT:
10
                  If a physician is writing
11
    more prescriptions for opioids, does that
12
    increase the overall distribution level
13
    for opioids?
14
                  MR. BOGLE: Object to form.
15
                  THE WITNESS: Can you repeat
16
           that.
17
    BY MR. SCHMIDT:
18
                  Yeah, if physicians write
```

- more prescriptions for opioids, does that
- increase the overall level of
- 21 distribution of opioids?
- A. Yes.
- MR. BOGLE: Object to form.
- BY MR. SCHMIDT:

- 1 Q. Does your level of
- ² distribution follow from what
- prescriptions do, or do you actually
- influence what prescriptions -- what
- ⁵ physicians do?
- MR. BOGLE: Object to form.
- ⁷ BY MR. SCHMIDT:
- O. And let me re-ask it. I
- ⁹ think I misspoke in my question.
- Does your level of
- distribution follow from decisions that
- physicians make, or do you actually
- influence the decisions physicians
- ¹⁴ make --
- MR. BOGLE: Object to form.
- BY MR. SCHMIDT:
- Q. -- in terms of prescribing
- 18 medicines?
- A. In the distribution center
- we don't have any influence on
- prescribing habits. We are just
- responding to what is pulled from us by
- the pharmacies.
- Q. Is this role that you've

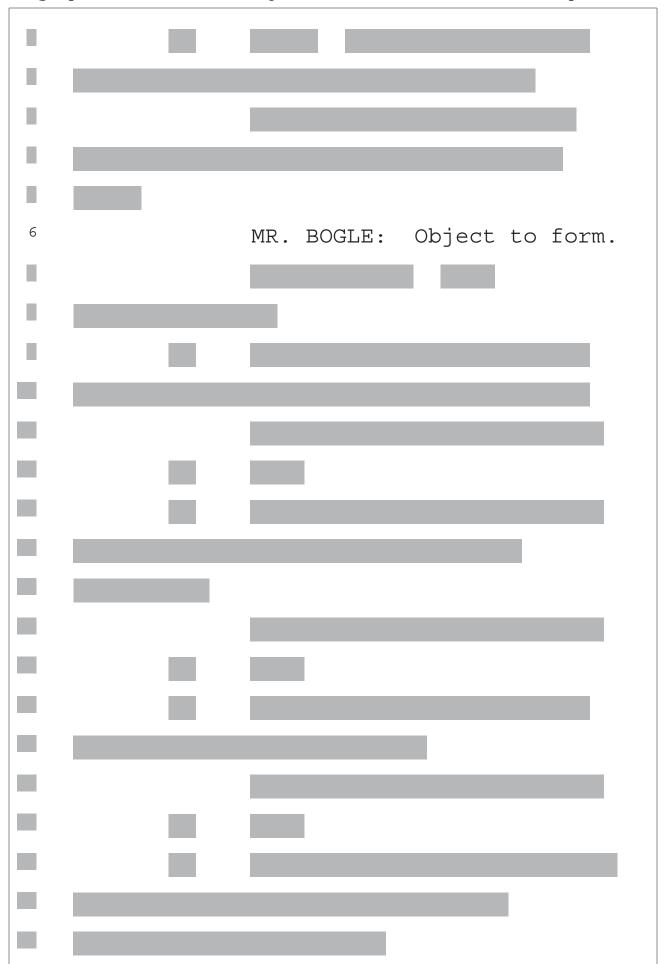
- been talking about true for opioids as
- well as other prescription medicines that
- McKesson distributes?
- ⁴ A. Yes.
- ⁵ Q. And can you give us a sense
- of whether, from your experience, opioids
- ⁷ are a substantial majority, a majority, a
- 8 minority, a substantial minority of the
- 9 medicines that McKesson distributes?
- MR. BOGLE: Object to form.
- THE WITNESS: Substantial
- minority.
- 13 BY MR. SCHMIDT:
- Q. Do you have an understanding
- of the responsibility that a pharmacy has
- in terms of when they pass along an
- opioid to a patient that they have
- purchased from McKesson?
- 19 A. Do I --
- MR. BOGLE: Object to form.
- 21 BY MR. SCHMIDT:
- Q. Do you understand the
- responsibility that a pharmacy has when
- they pass along an opioid purchased from

- 1 McKesson to a patient?
- ² A. Yes. They have
- ³ corresponding responsibility.
- Q. Is part of your work -- does
- ⁵ part of your work involve trying to
- 6 identify where pharmacies might not be
- 7 meeting their responsibilities in terms
- 8 of whether you interact with those
- 9 pharmacies?
- A. Yes.
- Q. And you've discussed
- 12 McKesson's regulatory programs today. Am
- 13 I understanding correctly from your
- 14 testimony over the course of the day that
- McKesson's programs for doing diligence
- into pharmacies have changed over time?
- A. Yes.
- Q. Have developed?
- A. Yes.
- Q. What are those changes made
- in response to?
- A. They've been made to give us
- greater granularity of what we see in a
- pharmacy as they are buying from us and

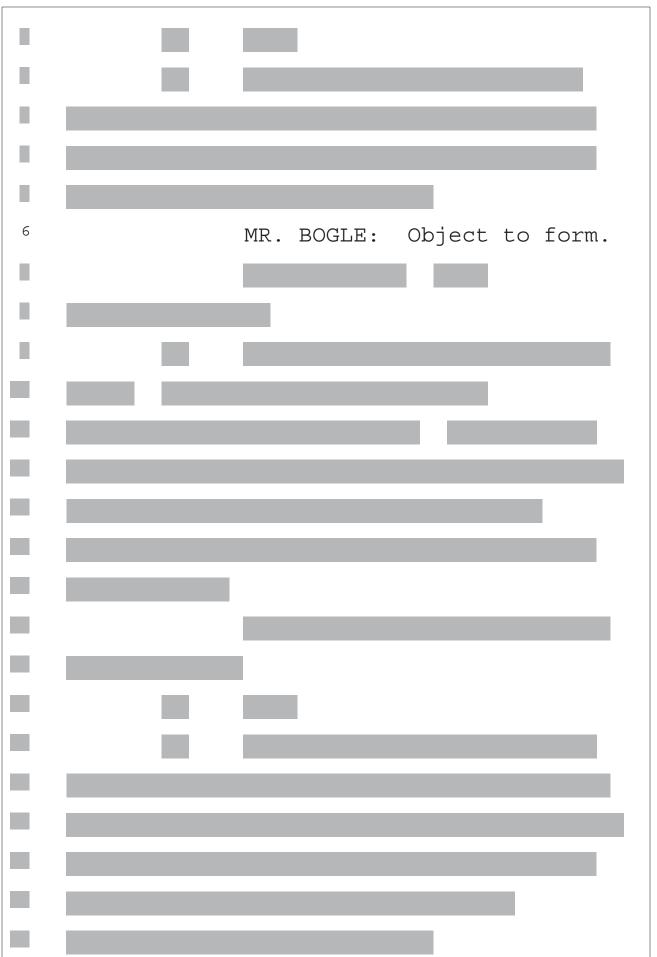
- dispensing to their patients.
- Q. Are those changes made as
- you develop more information about
- ⁴ practices with regards to opioids,
- ⁵ concerns about diversions, information
- ⁶ you get from your diligence, things like
- ⁷ that?
- MR. BOGLE: Object to form.
- 9 THE WITNESS: Yes.
- 10 BY MR. SCHMIDT:

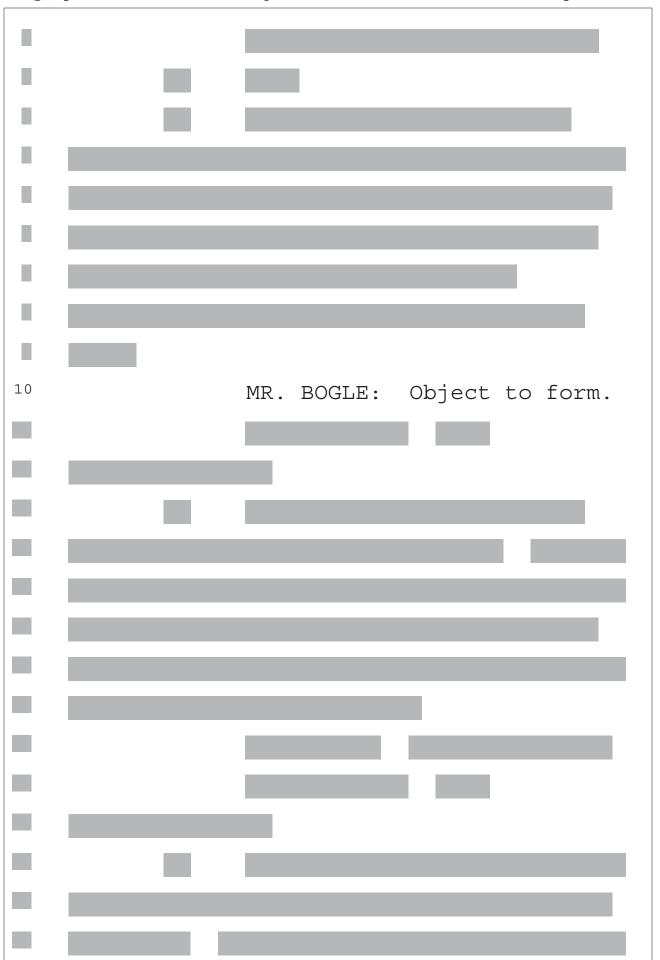
- Q. Do you have a view as to
- whether that's a good thing to try to
- improve your processes over time?
- MR. BOGLE: Object to form.
- THE WITNESS: It's
- absolutely a good thing.
- 22 BY MR. SCHMIDT:
- Q. Let's take one example. You
- have Exhibit 26, please.

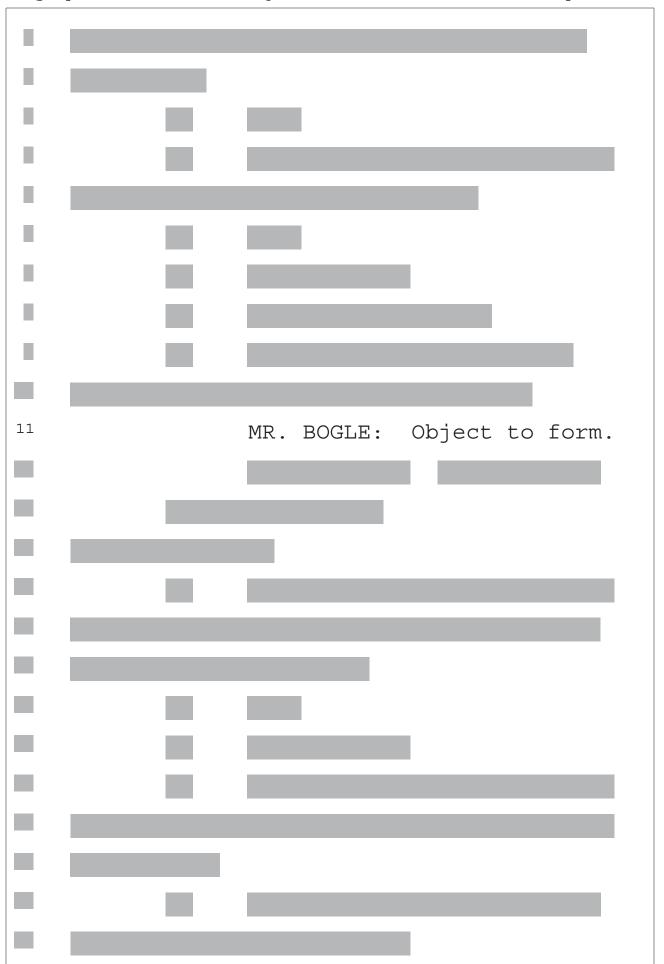
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1
                 MR. BOGLE: Can you give me
2
           the corresponding -- the other
3
           exhibit number at the bottom?
                 MR. SCHMIDT: The Bates
5
           number?
6
                 MR. BOGLE: No.
7
                 MR. SCHMIDT: It's 1743, I
8
           think you're thinking of.
9
                 MR. BOGLE: Yeah.
10
    BY MR. SCHMIDT:
11
                 And if you look at Page 26
    of this exhibit.
12
13
           A.
                 26?
```



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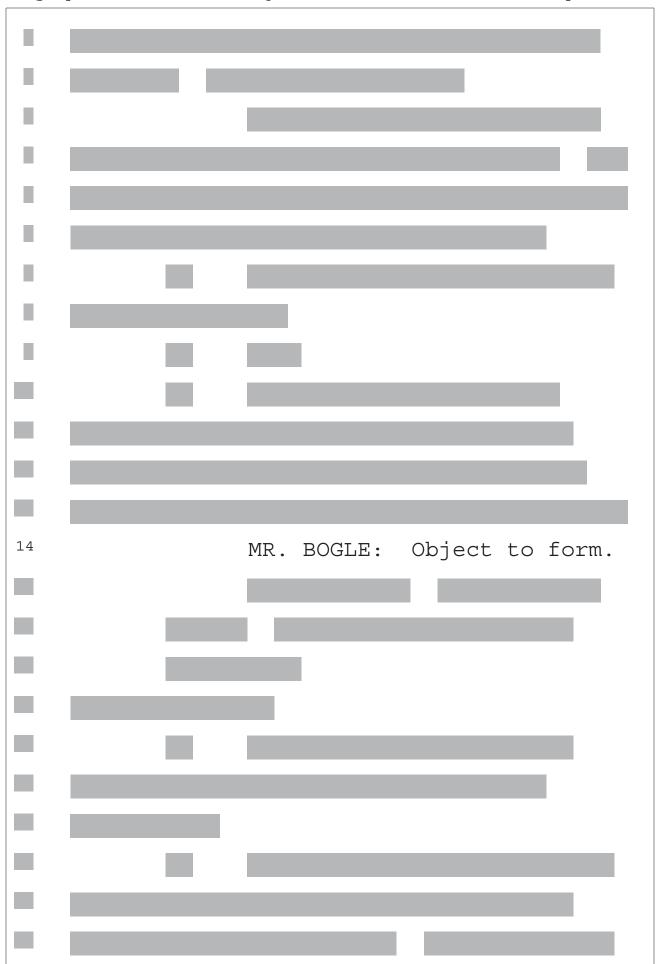






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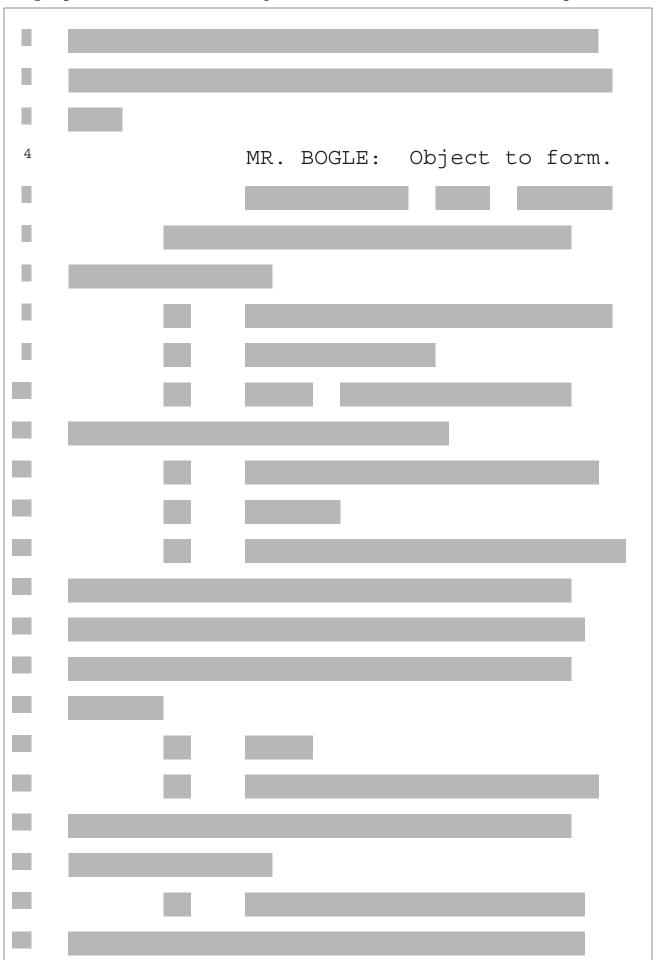


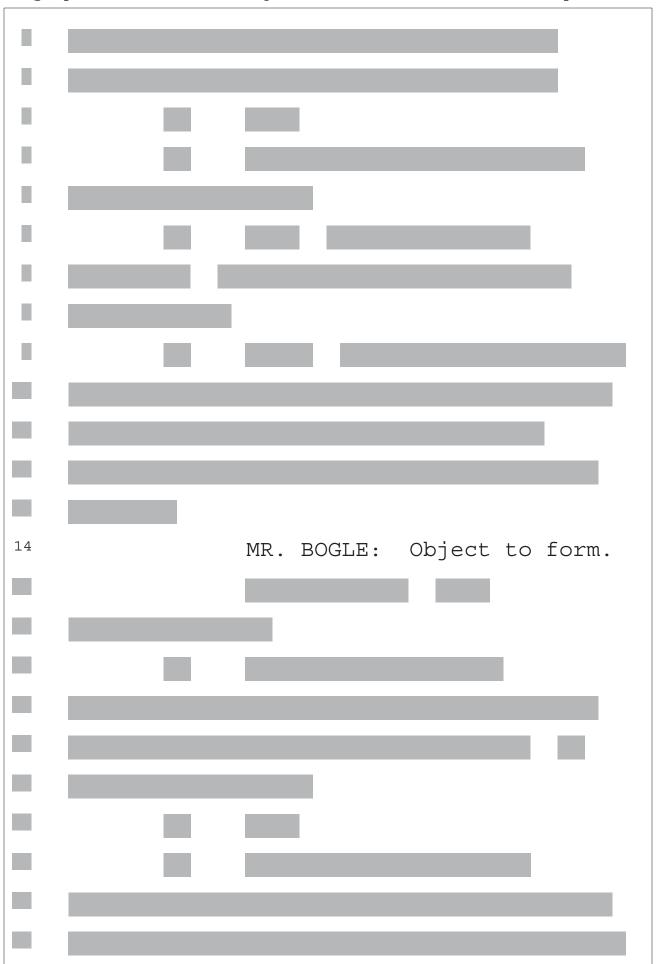
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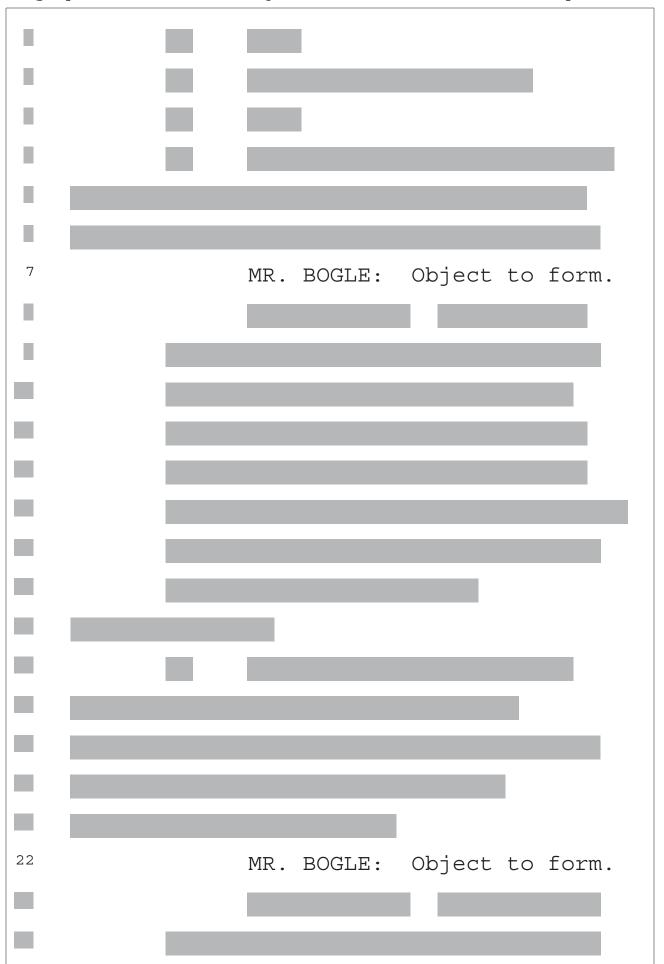


```
3
                              Object to form.
                  MR. BOGLE:
6
    BY MR. SCHMIDT:
7
                  Do you have Exhibit 1 handy?
           Ο.
8
    Do you remember being asked questions
    about this 2006 letter from the DEA by
10
    the plaintiff lawyer?
11
           Α.
                  Yes.
12
                 And if you look at the
13
    second page of this letter -- it's 1464.
14
    If you look at the second page of this
15
    letter, about halfway down the letter,
16
    before and after the block quote is
17
    language getting at this idea of blocking
18
             Do you see that? Do you
    orders.
19
    remember being asked questions about
20
    that?
21
           Α.
                  Yes.
```

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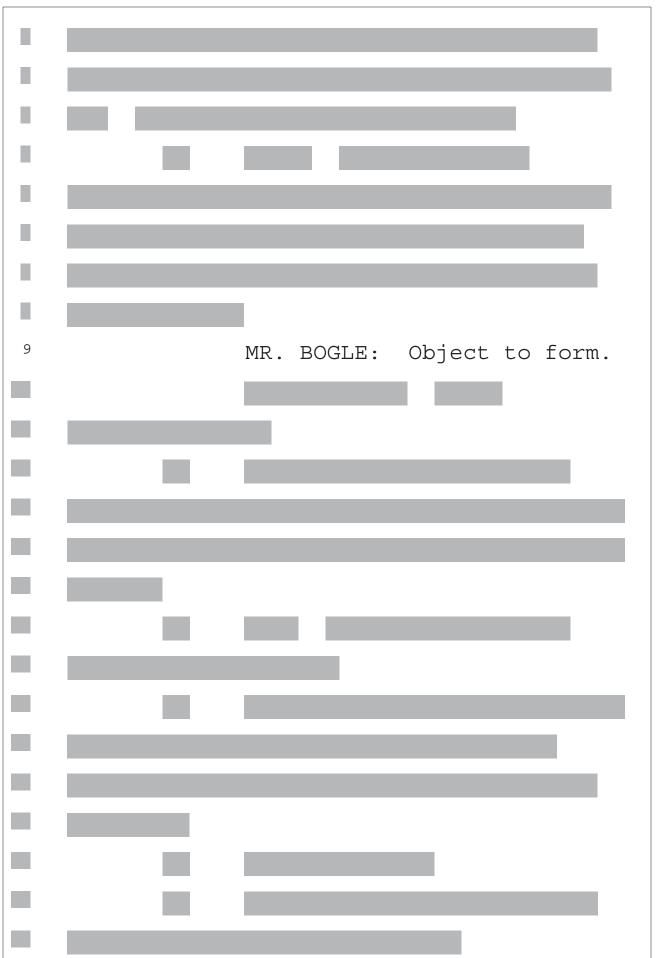








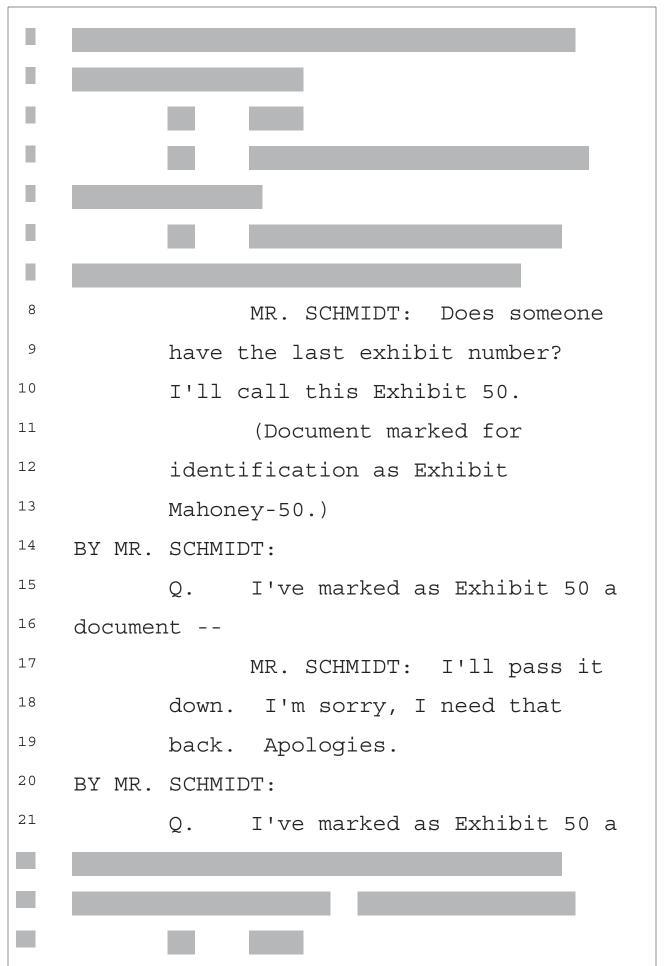
focused on the Southeastern United 1 2 States? 3 Α. That's true. 4 Have you, other than filling 5 in for people or doing backup duty, 6 has -- has the primary focus of your work 7 ever been on Ohio? 8 Well --Α. 9 On Cuyahoga County or Summit 10 County in Ohio? 14 Did you have primary 15 responsibility for opening or closing any 16 pharmacies in Cuyahoga or Summit County? 17 No, I didn't. Α.





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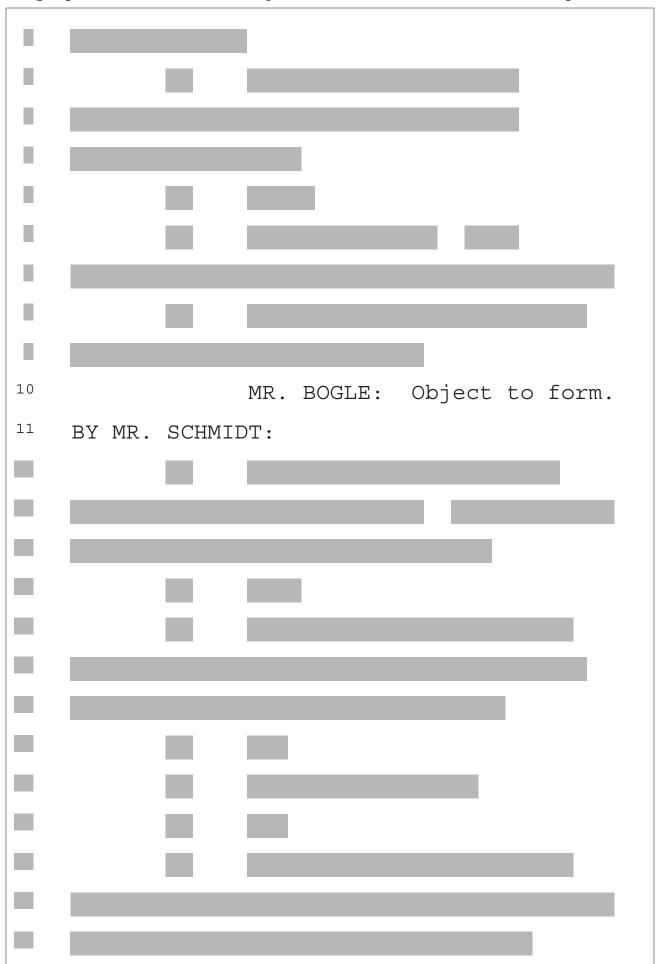


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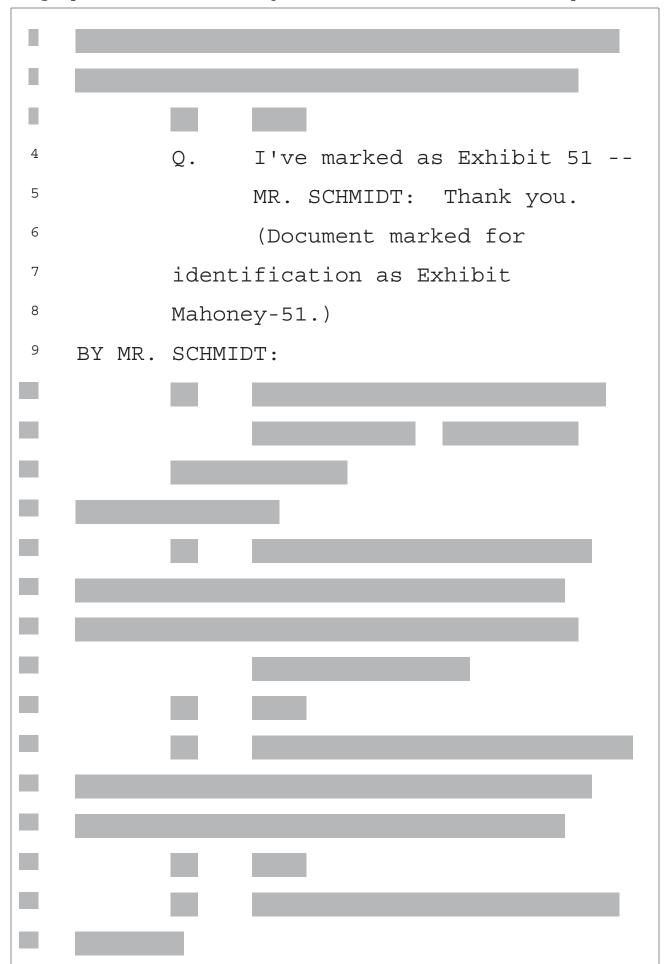




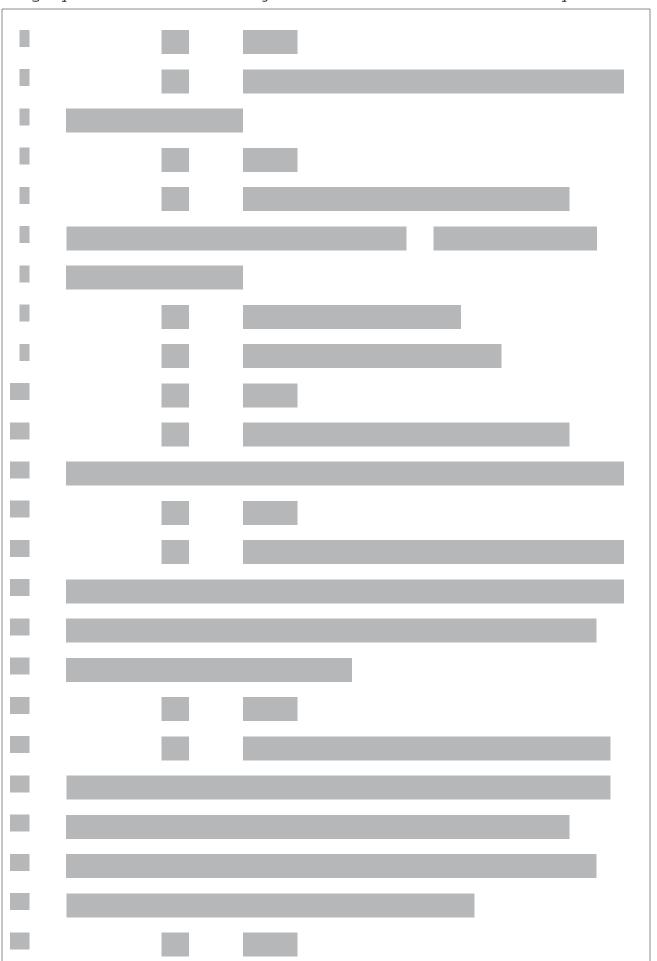


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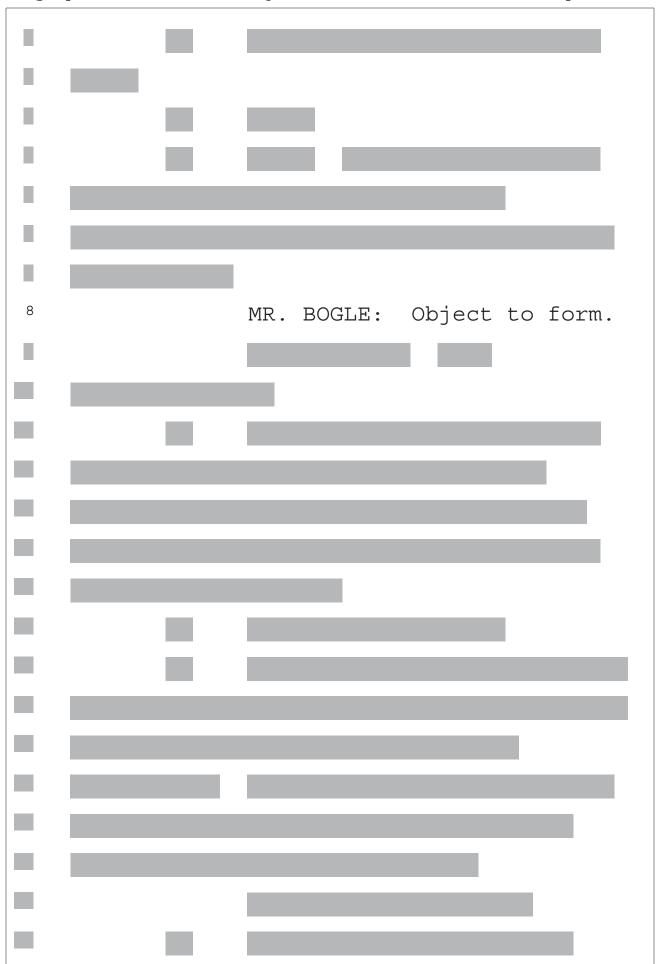


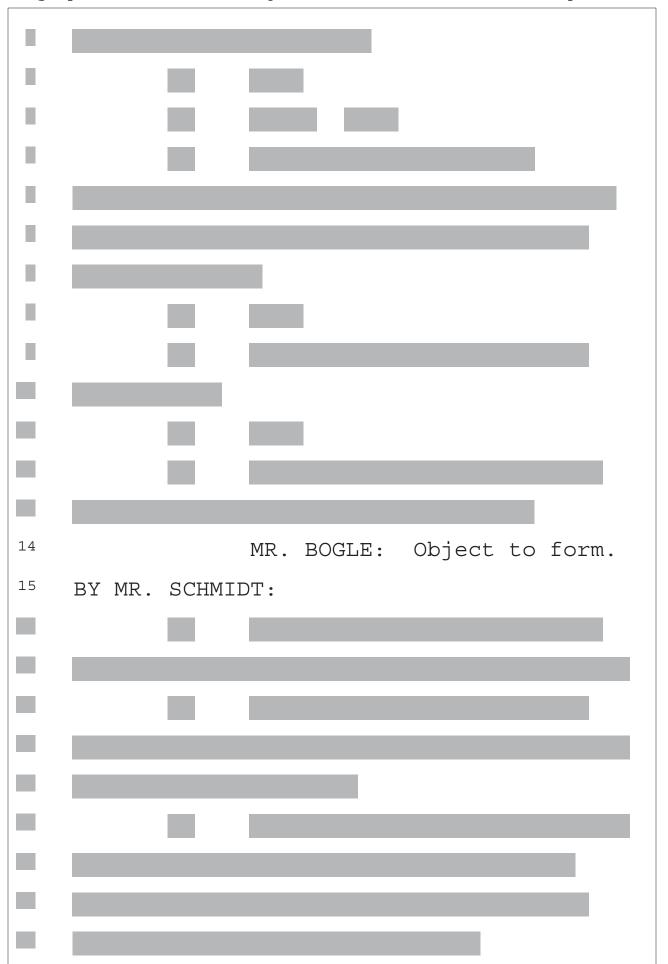


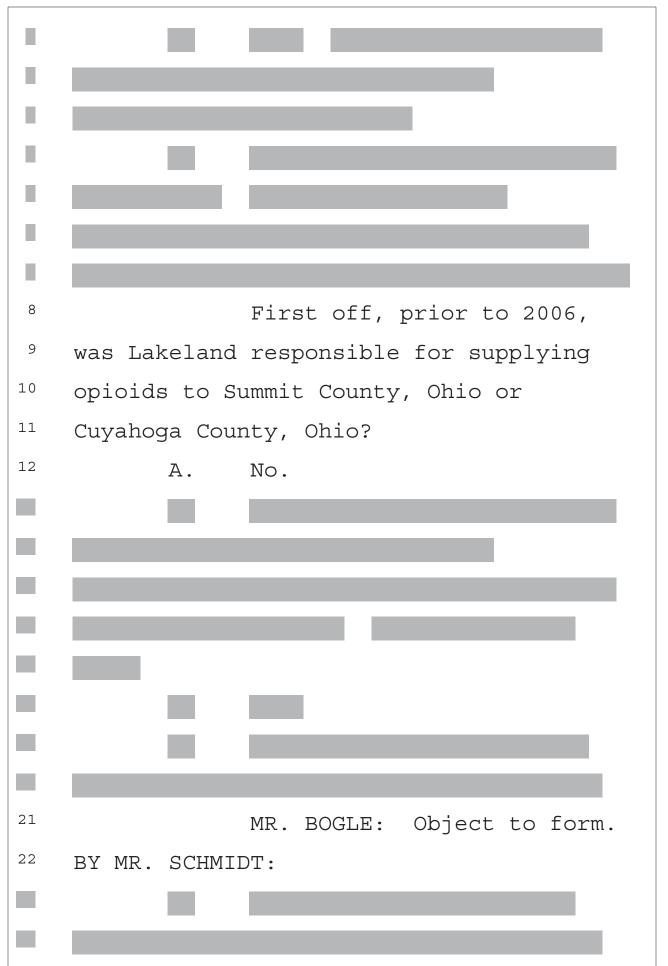
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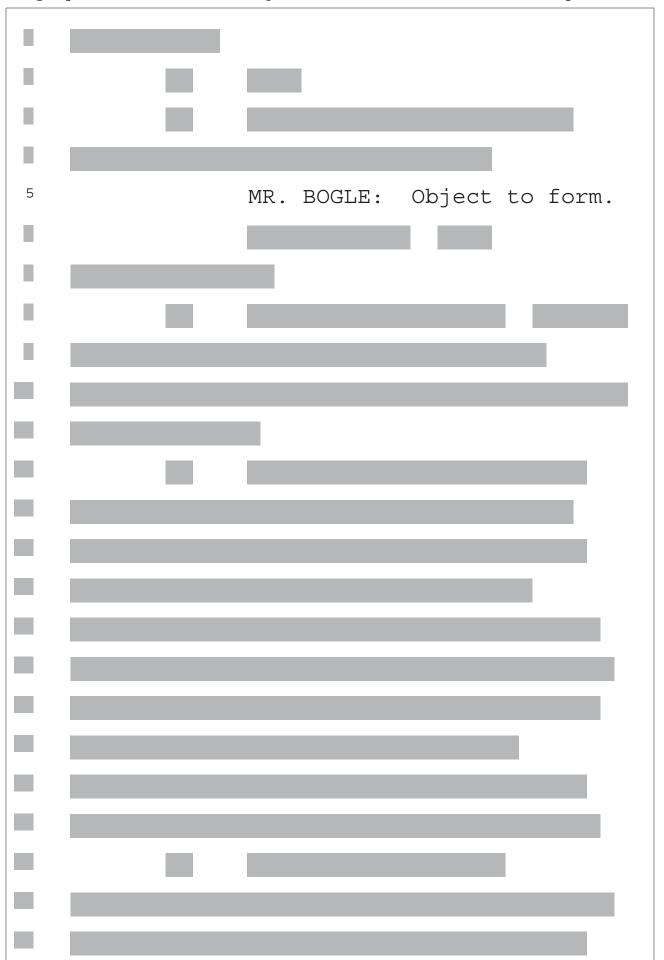


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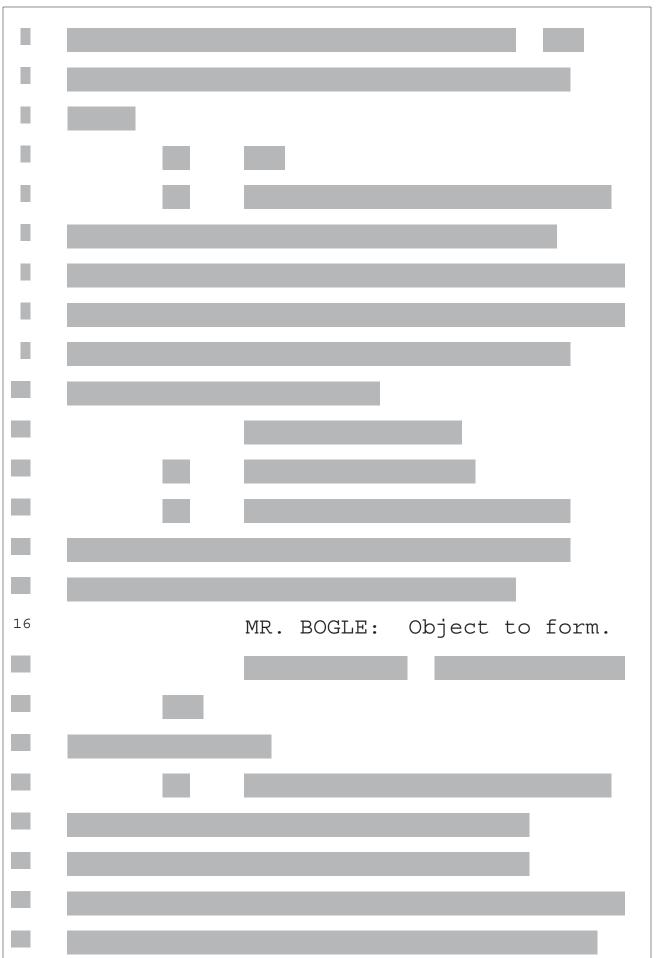


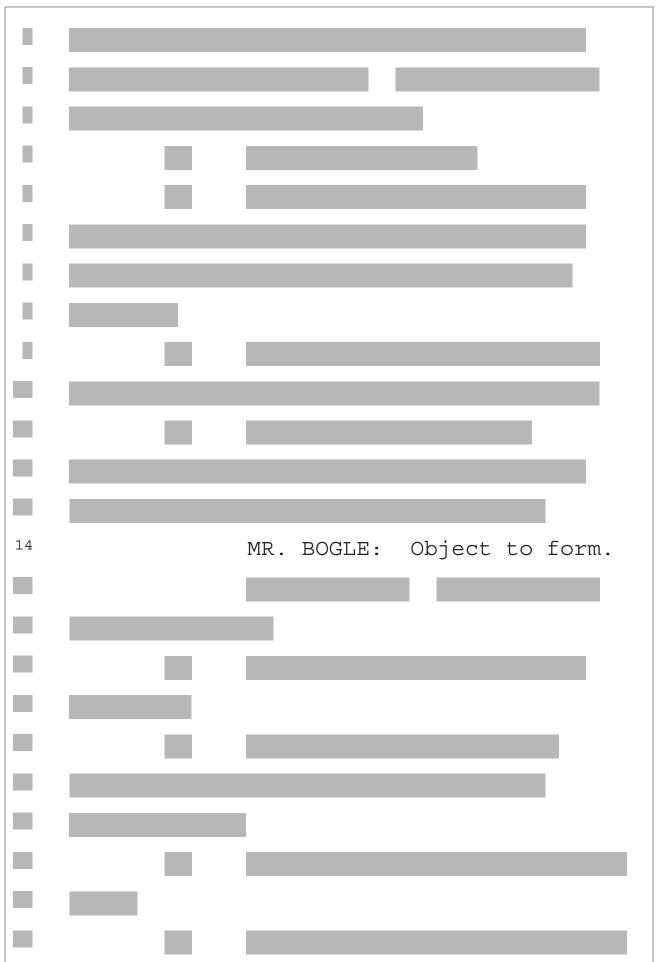


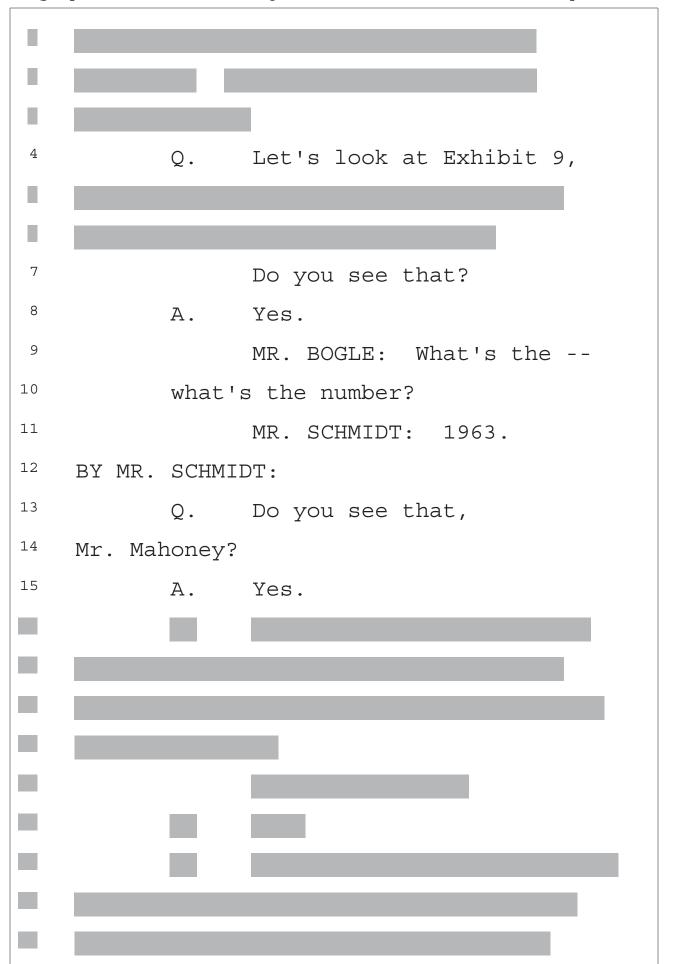


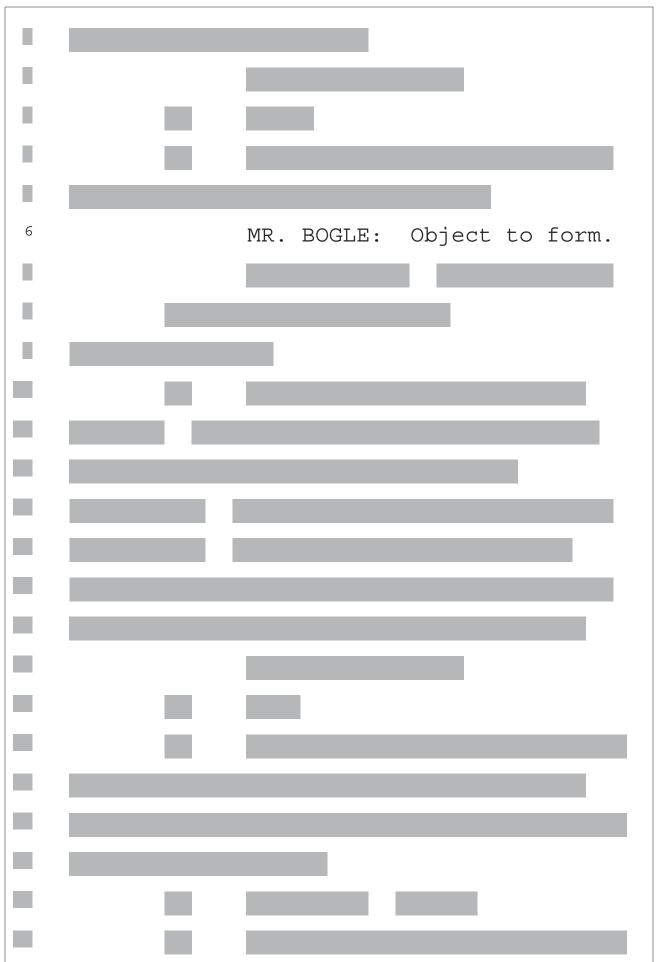
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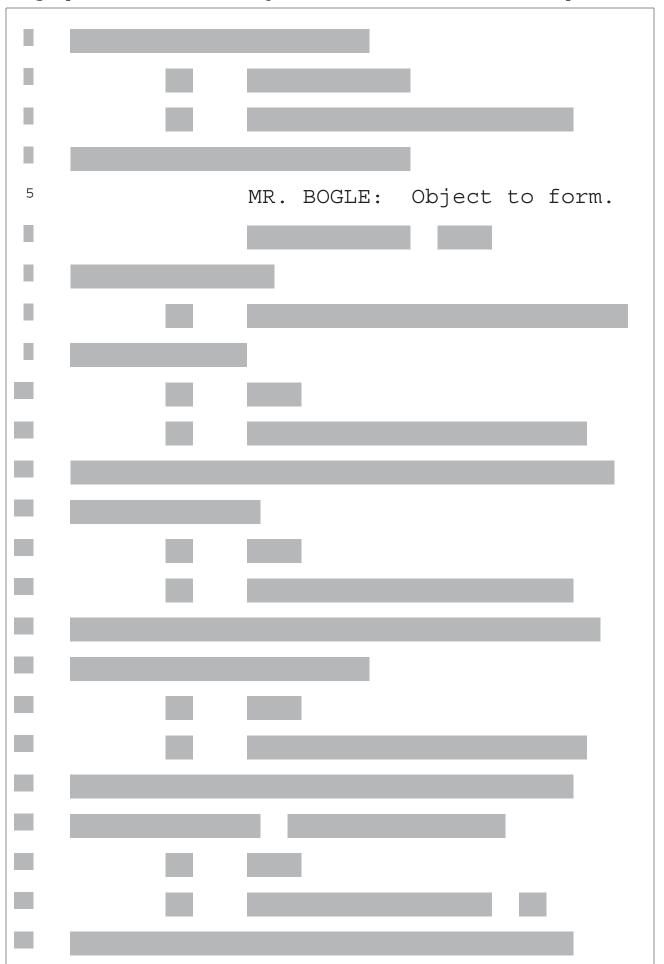


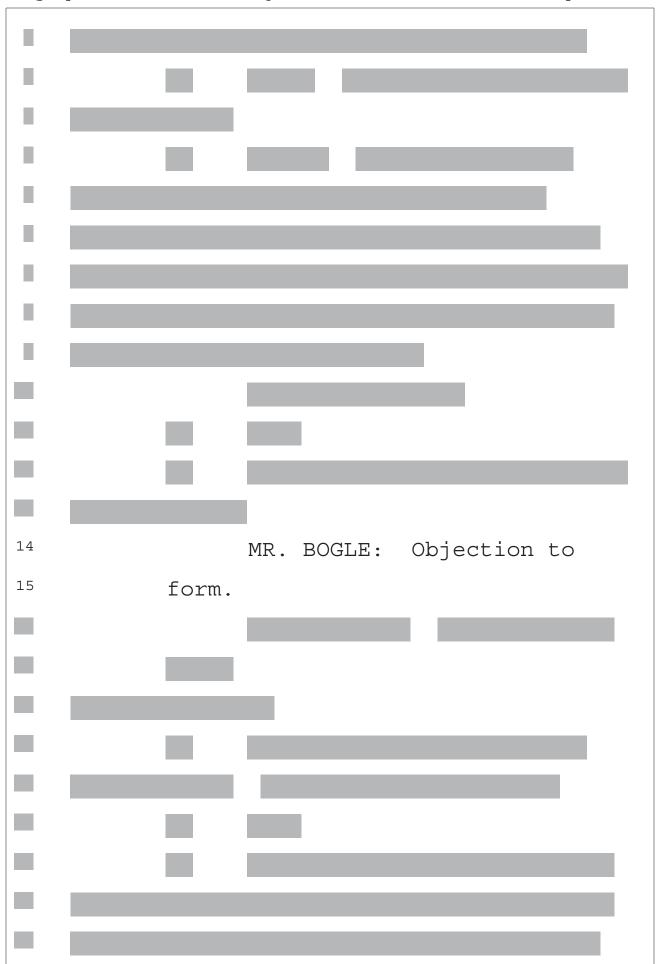








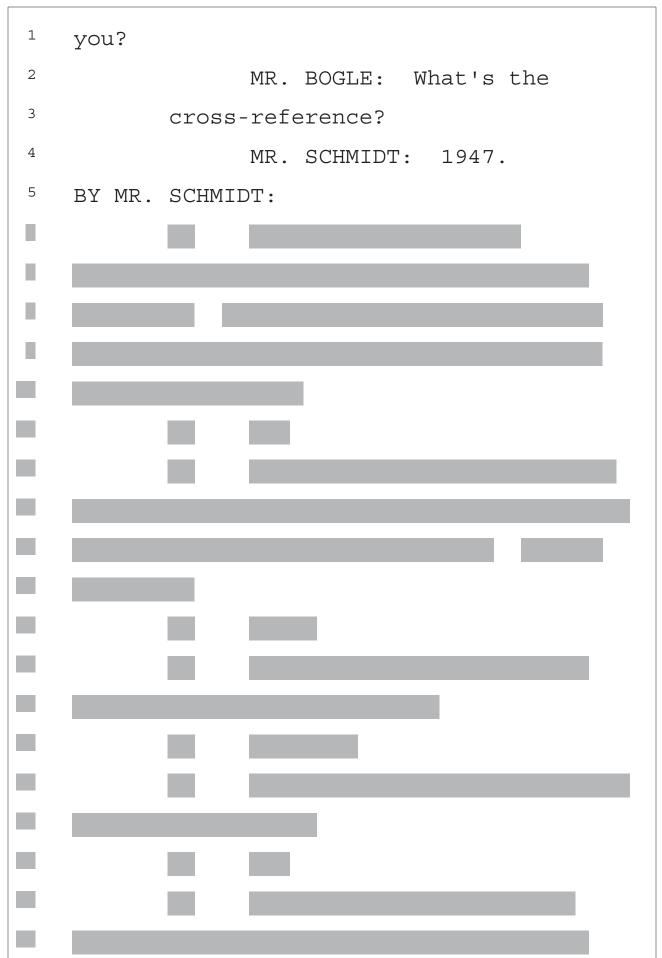




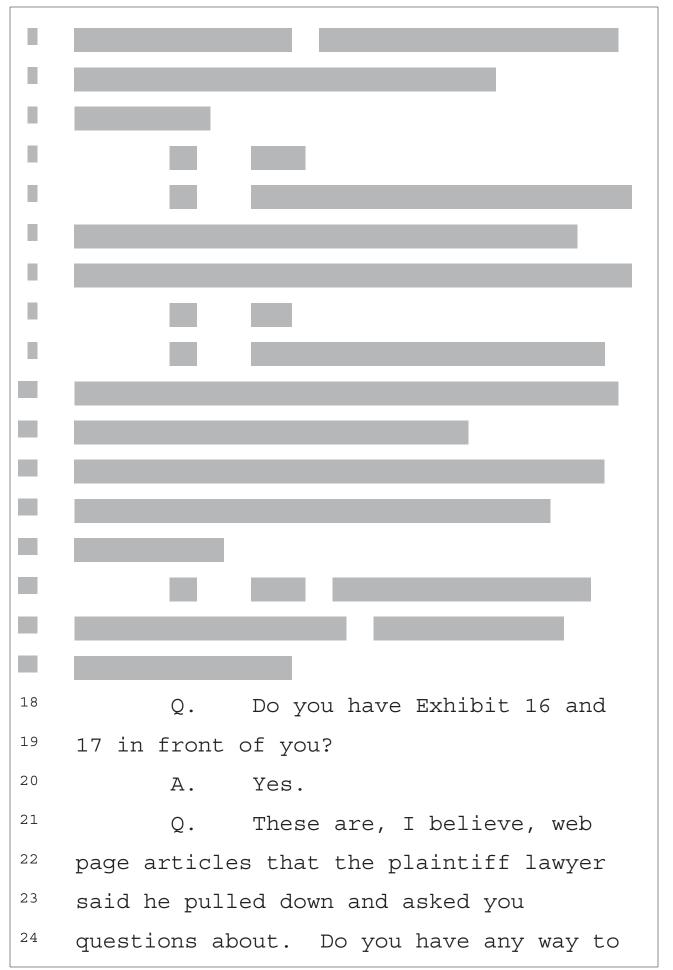


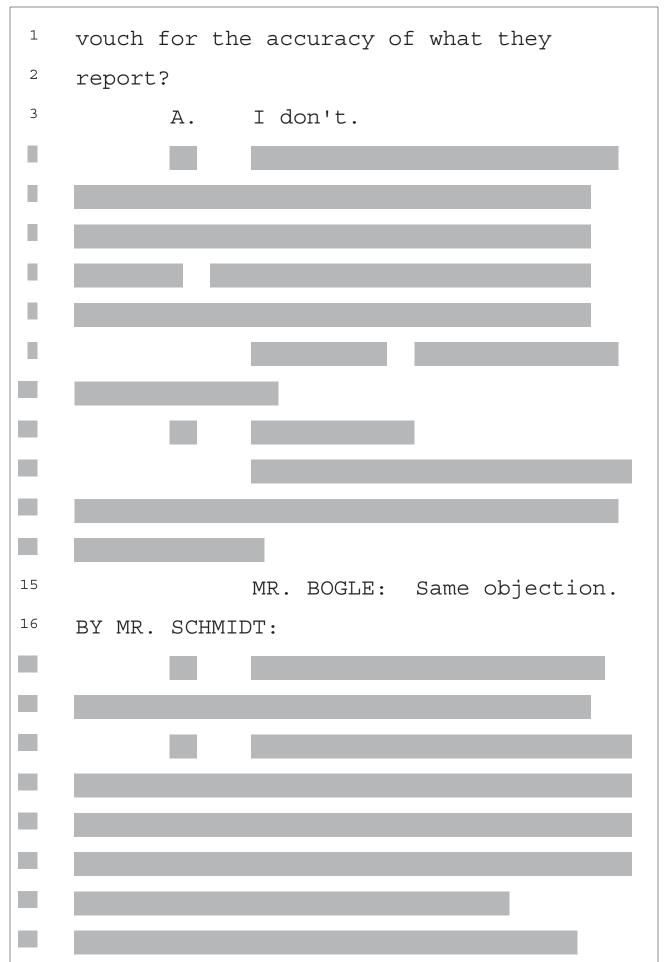


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5 MR. BOGLE: Object to form. 6 BY MR. SCHMIDT: 7 Do you have in front of you Ο. 8 Exhibit 19, the agreement in 2008? 9 Α. Yes. 10 Look with me if you would at 11 Page 2 of the document. It's 889. Do 12 you see where it says, "No admission or 13 concession"? 14 Α. Yes. 15 Tell me if I read this Ο. 16 correctly: "This agreement is neither an 17 admission by McKesson of liability or of 18 any allegations made by DEA in the orders 19 and investigations nor a concession by 20 DEA that its allegations in the orders of 21 investigations are not well founded." 22 Did I read that correctly? 23 Α. Yes. 24 If you look at Page 0714 of Q.

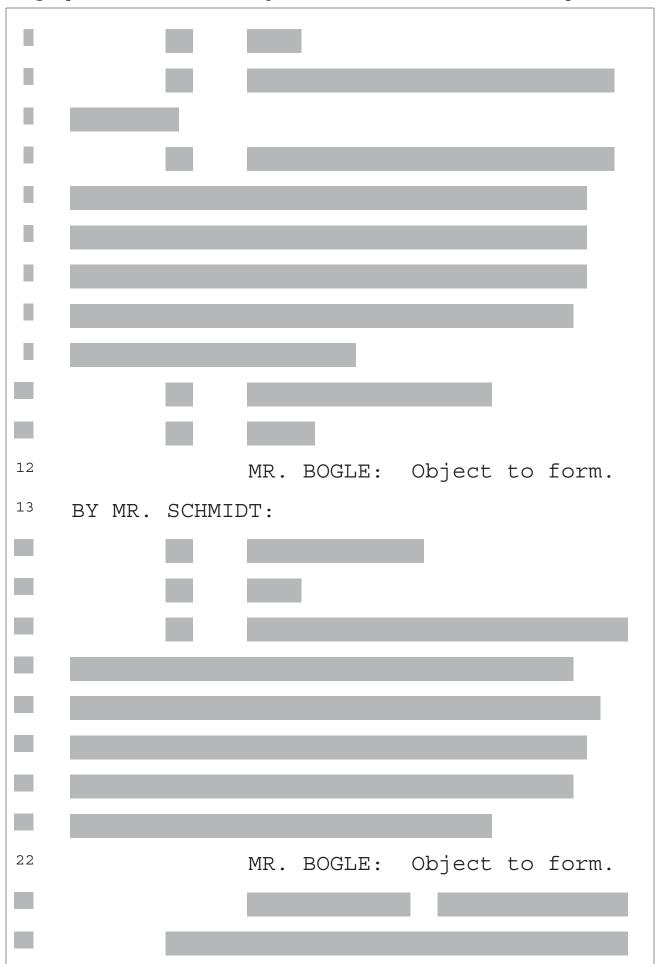
- ¹ this document. Down below. 14 at the
- 2 top?
- A. That's easier.
- Q. I'm going to read
- ⁵ Paragraph 9 and ask you if I've read this
- 6 correctly. "By entering into this
- ⁷ agreement McKesson does not admit to the
- 8 violations alleged as a result of any DEA
- ⁹ investigation or to any violation of law,
- 10 liability, fault, misconduct or
- wrongdoing. McKesson explicitly denies
- 12 any allegations of violations of the CSA
- or DEA regulations and represents that
- the company has defenses to the
- violations alleged by the government."
- Did I read that correctly?
- A. Yes.

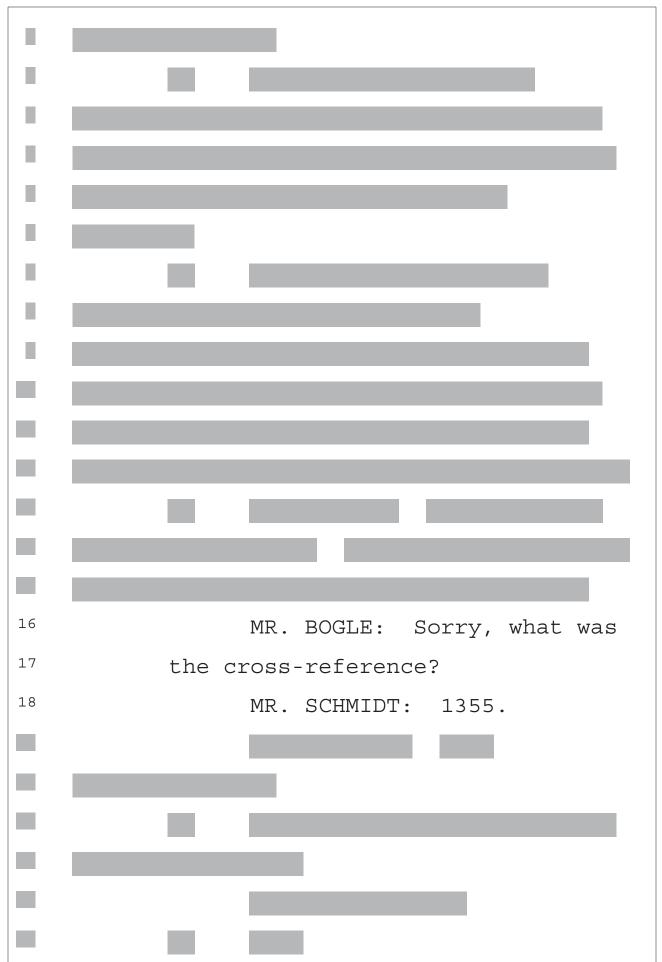
- MR. BOGLE: Object to form.
- BY MR. SCHMIDT:
- Q. Just a few more.

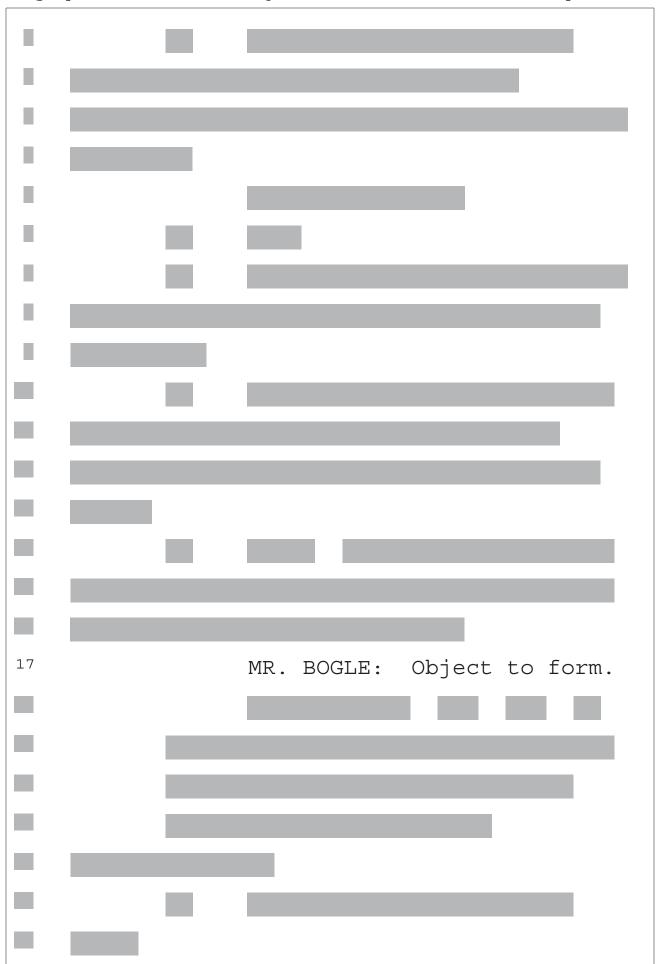
```
Do you have exhibit -- do
1
    you have Exhibit 3 in front of you? 851.
2
3
                  Yes.
           Α.
4
                 Turn with me if you would to
    Page 18. Do you remember being called --
5
6
    asked questions about this slide deck?
7
                  18, 19?
           Α.
19
                 MR. BOGLE:
                              Object to form.
```

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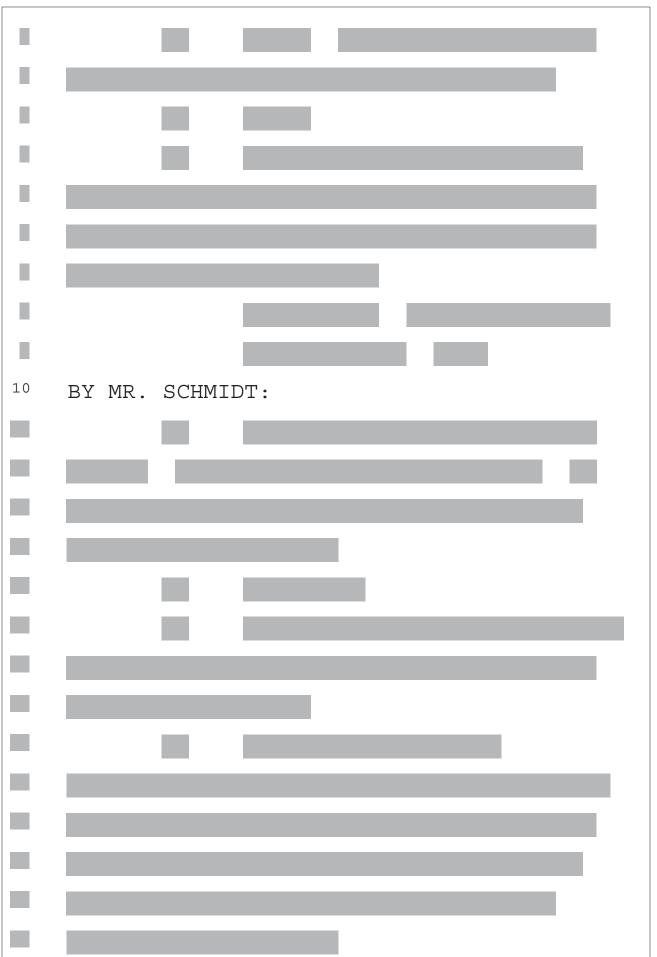


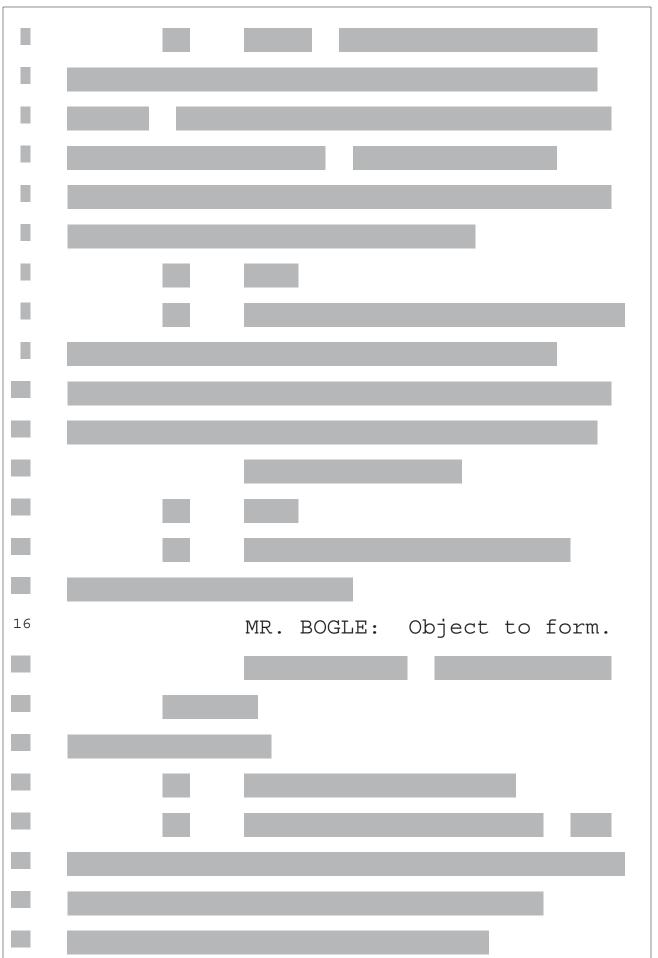




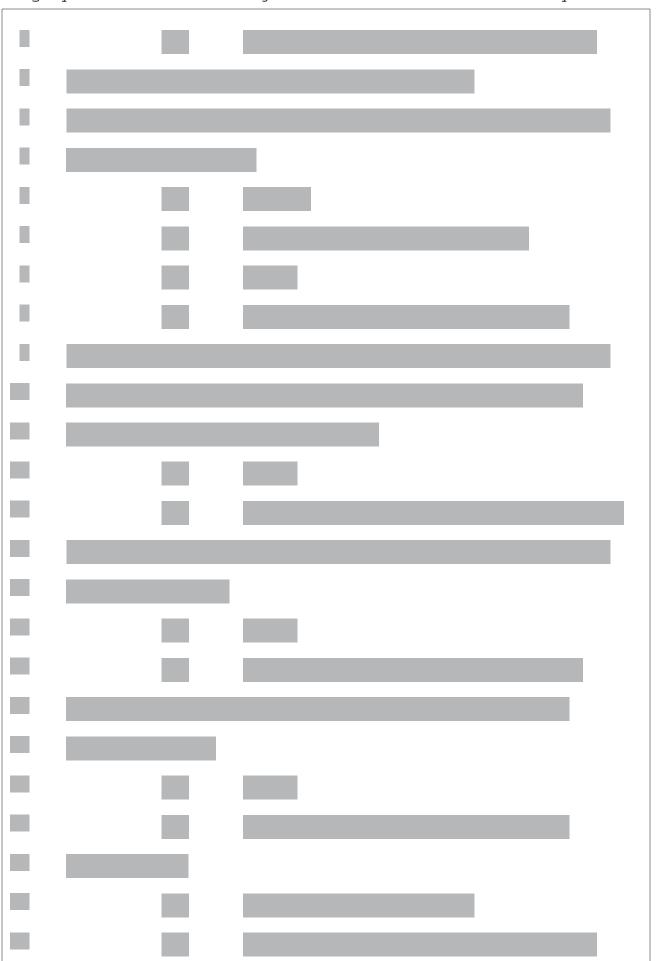


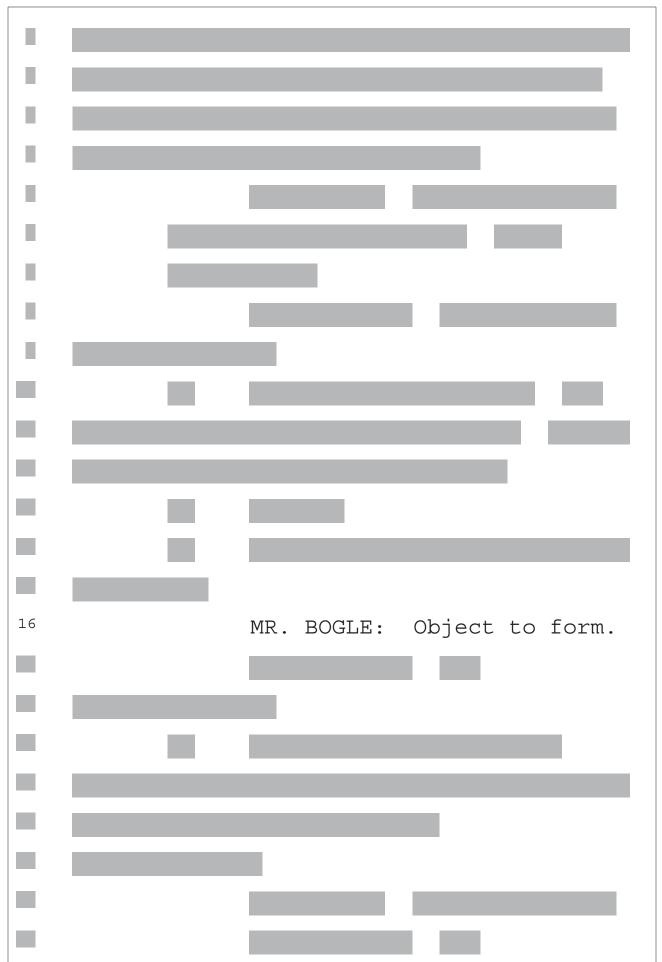
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 546.of 607 PageID #: 165258 Highly Confidential #: 165258 Review

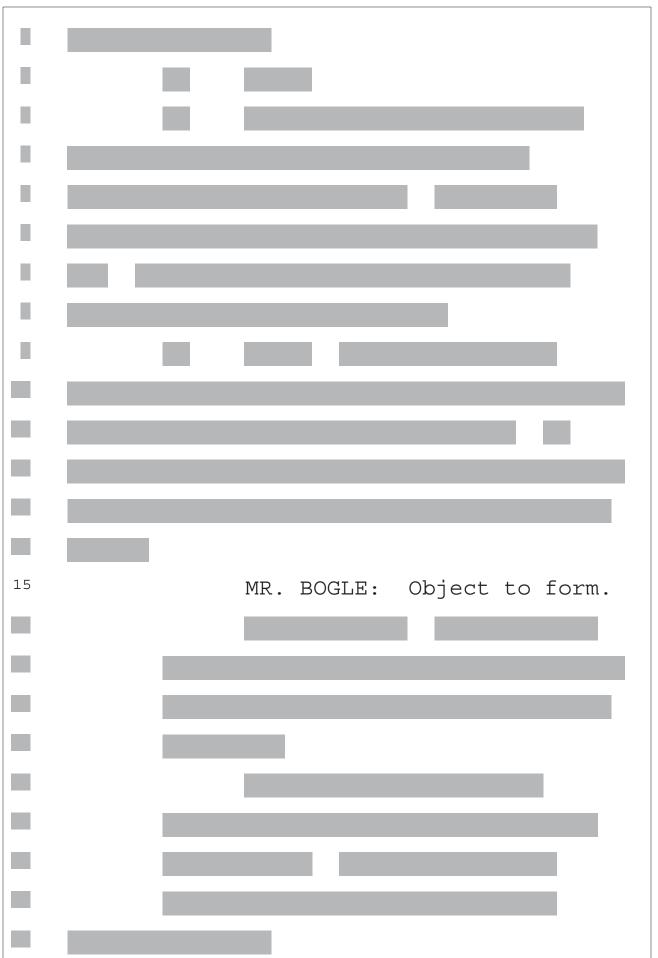


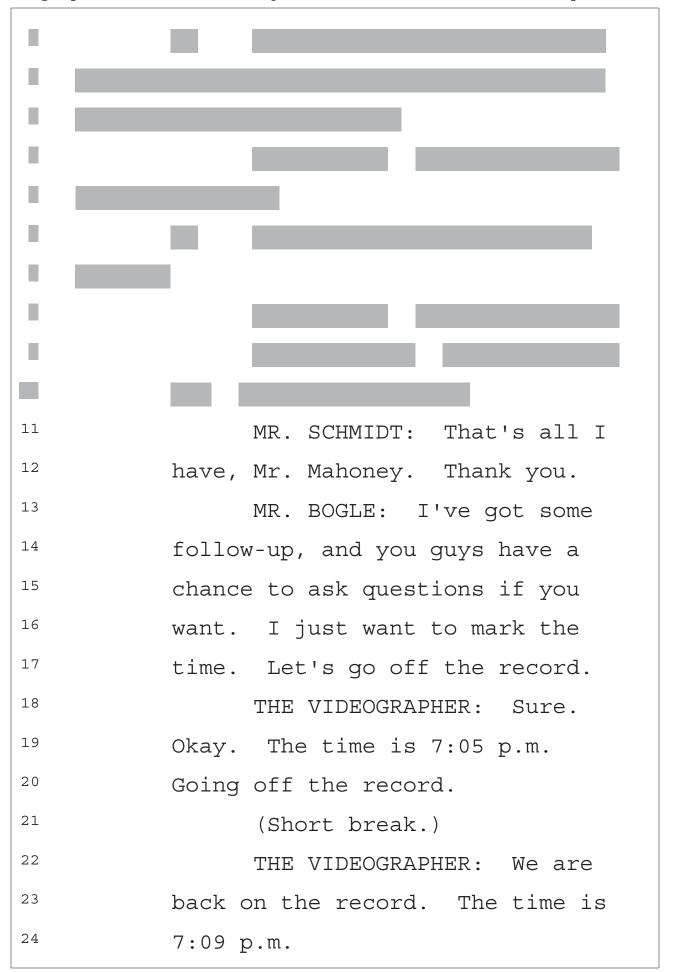


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 548 of 607 PageID #: 165260 Highly Confidential Expression Further Confidential Expression Review

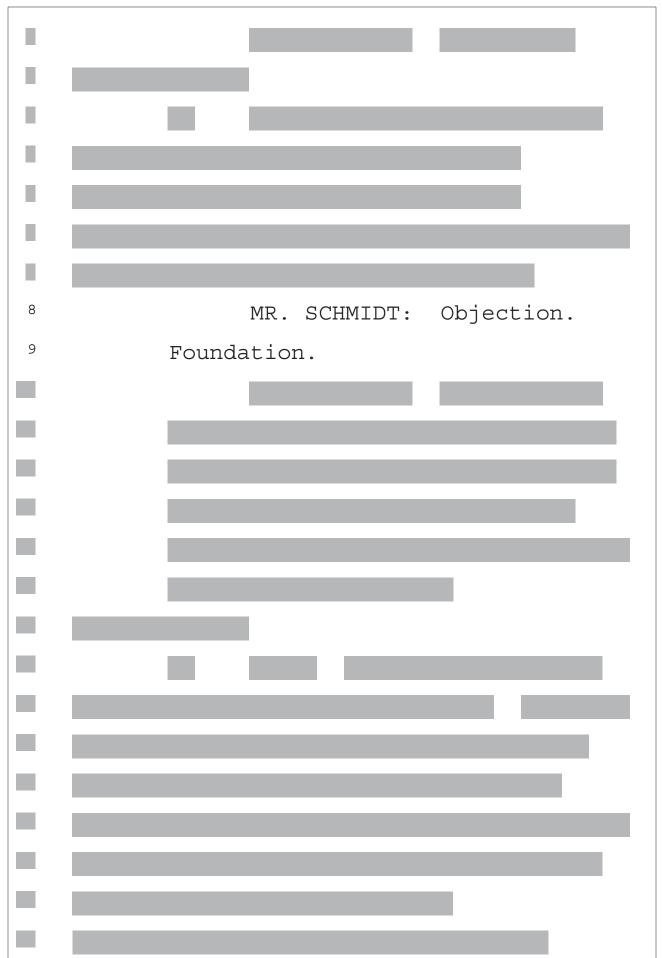


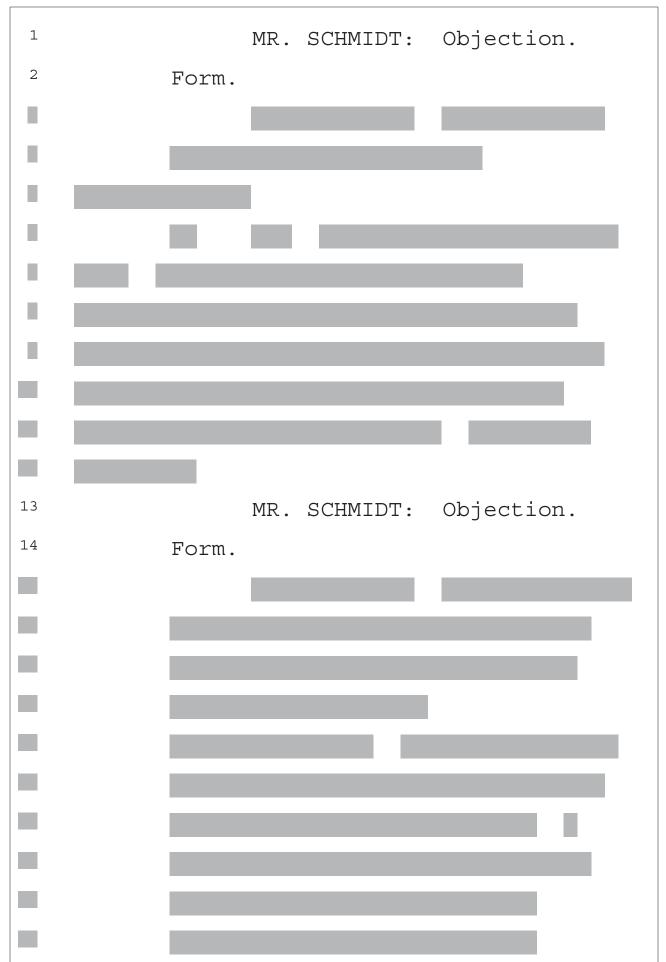




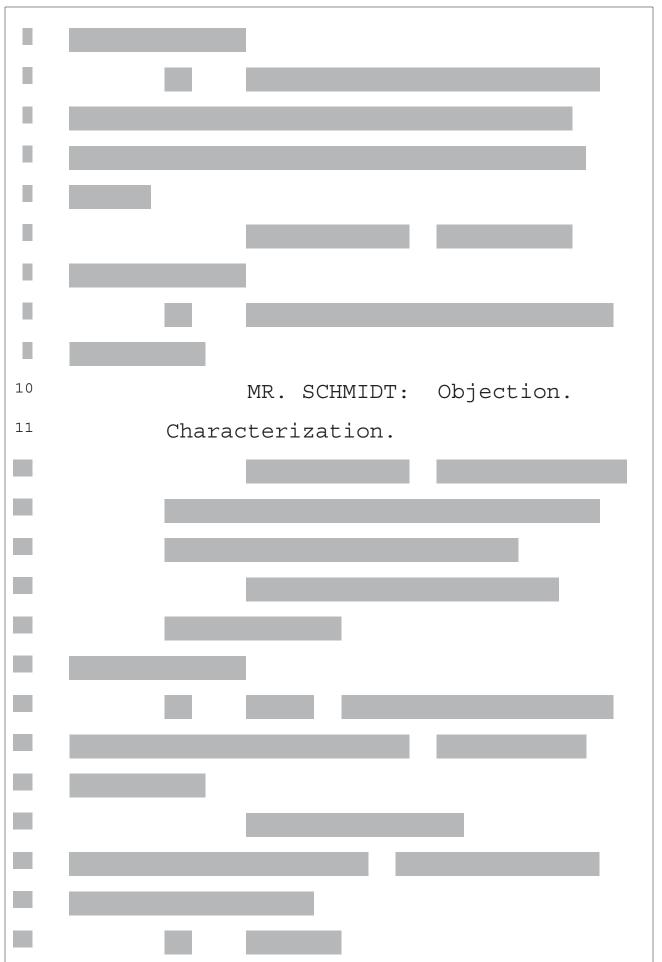


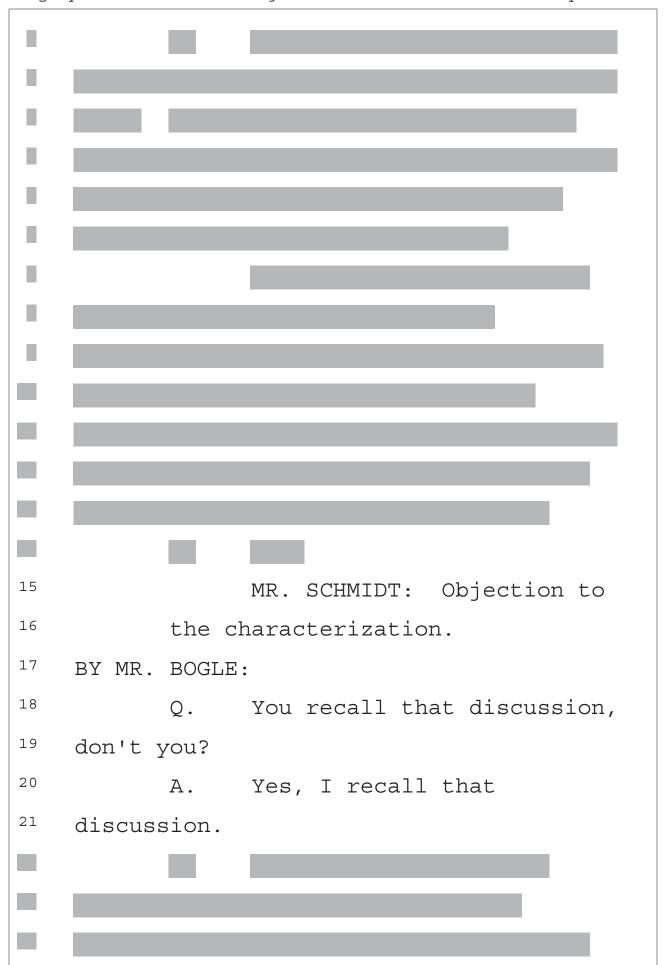
1 2 EXAMINATION 3 BY MR. BOGLE: 5 Mr. Mahoney, I have a few 6 follow-up questions for you. I know you 7 probably want to get out of here. So you 8 were asked some questions about when 9 McKesson supplies drugs to pharmacies. Ι 10 think you provided testimony along the 11 lines of that McKesson only distributes 12 when there's a prescription from a 13 doctor, right? 14 I think what I was saying is 15 that we -- we don't -- we don't push the 16 drugs. We respond to orders from 17 pharmacists who are filling scripts from 18 doctors.

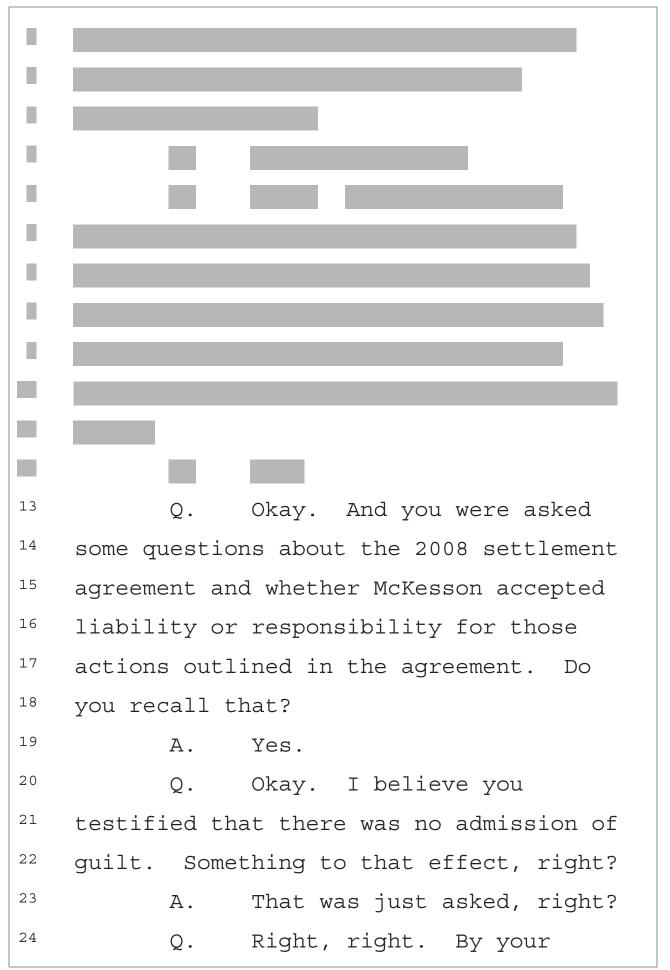






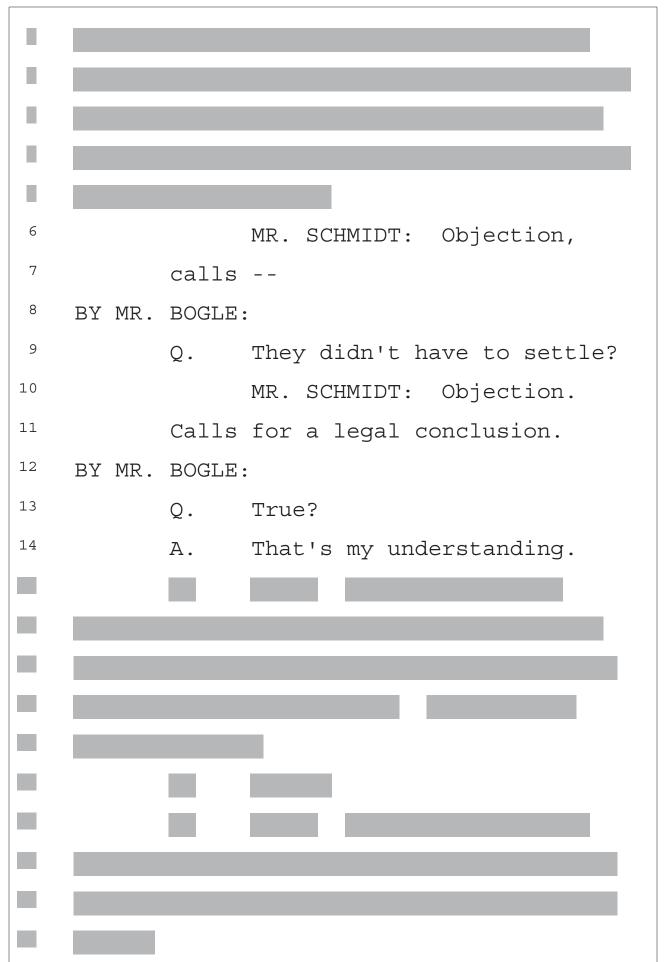


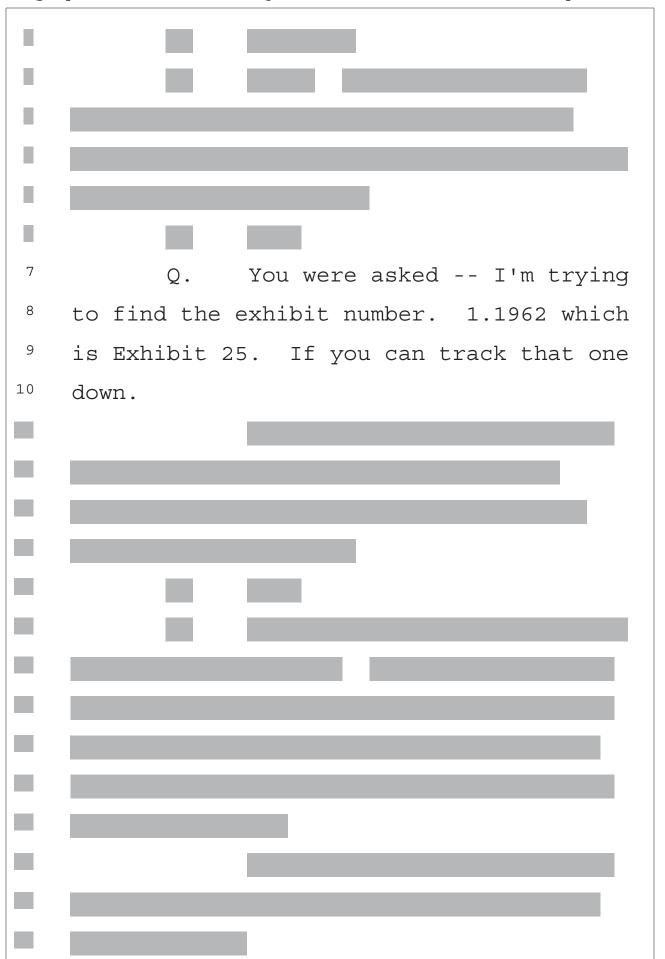


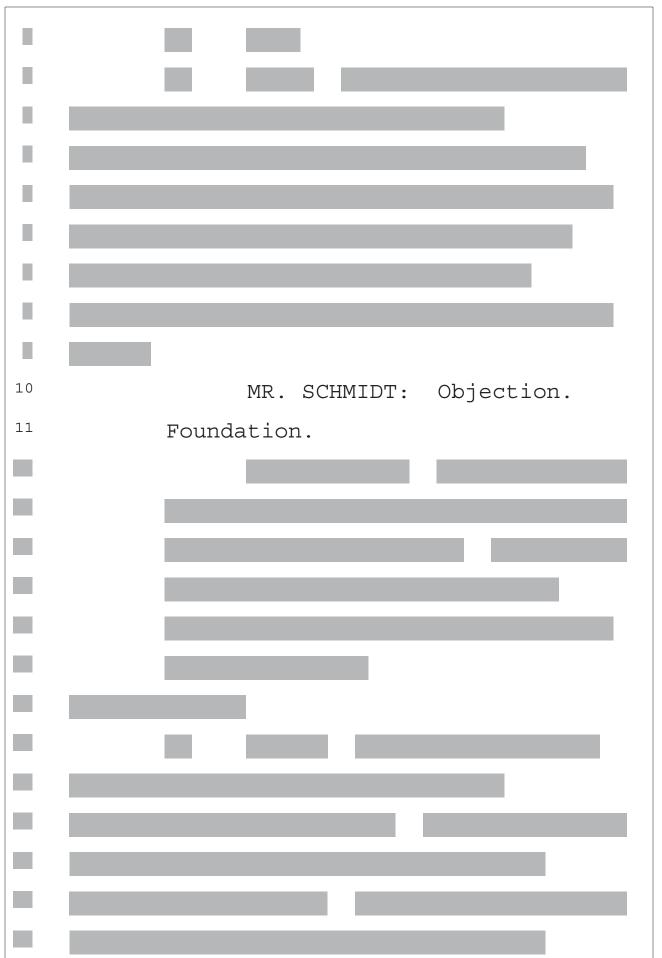


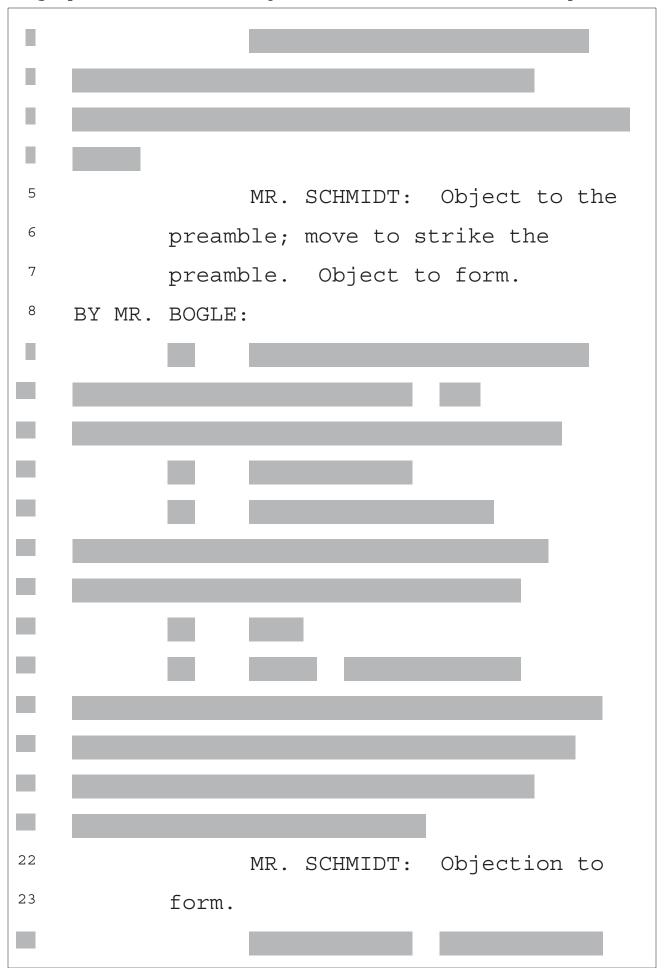
```
1
    counsel.
2
                 Right.
           Α.
3
                  And so, listen, in your
    experience at 18 years at McKesson, does
5
    the company routinely pay
6
    $13-plus-million fines for things that
7
    they didn't do?
8
                  MR. SCHMIDT: Objection.
9
           Foundation.
10
                  THE WITNESS: I don't
11
           believe so.
12
    BY MR. BOGLE:
21
                  They don't have to roll over
           Ο.
22
    and just say we quit, right?
23
                  MR. SCHMIDT: Objection.
24
           Foundation. Calls for a legal
```

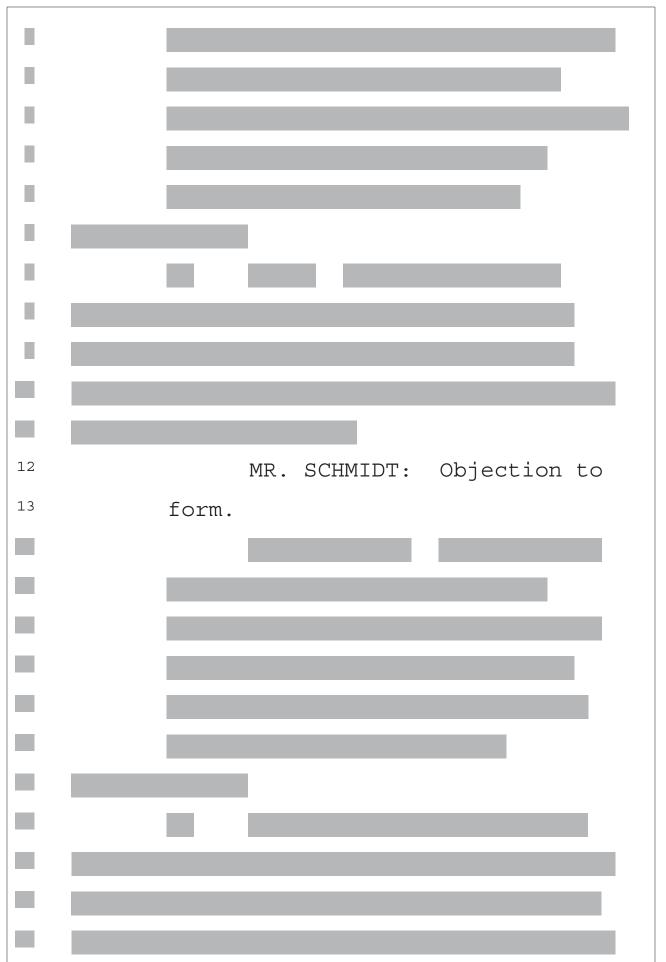
```
1
           conclusion.
    BY MR. BOGLE:
2
10
                 Right. And McKesson quit on
    that fight, right?
11
12
                 MR. SCHMIDT: Object to
13
           characterization.
14
                 THE WITNESS: There was a
15
           settlement.
16
    BY MR. BOGLE:
17
           Q. Right. $13-plus-million
    settlement, right?
18
19
                 MR. SCHMIDT: Objection.
           Asked and answered.
20
21
                 THE WITNESS: Yes.
22
    BY MR. BOGLE:
```



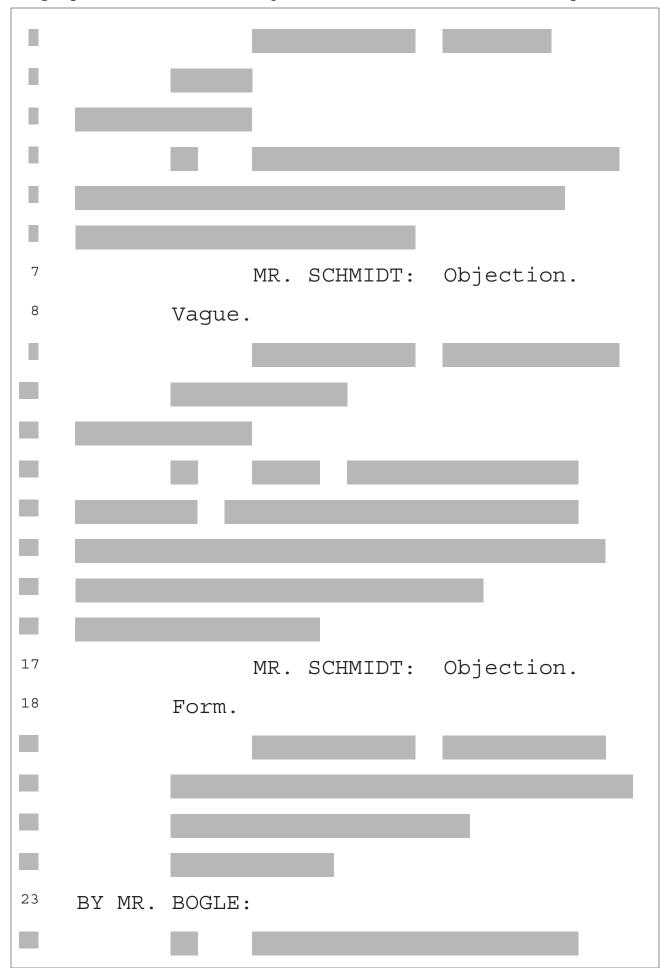


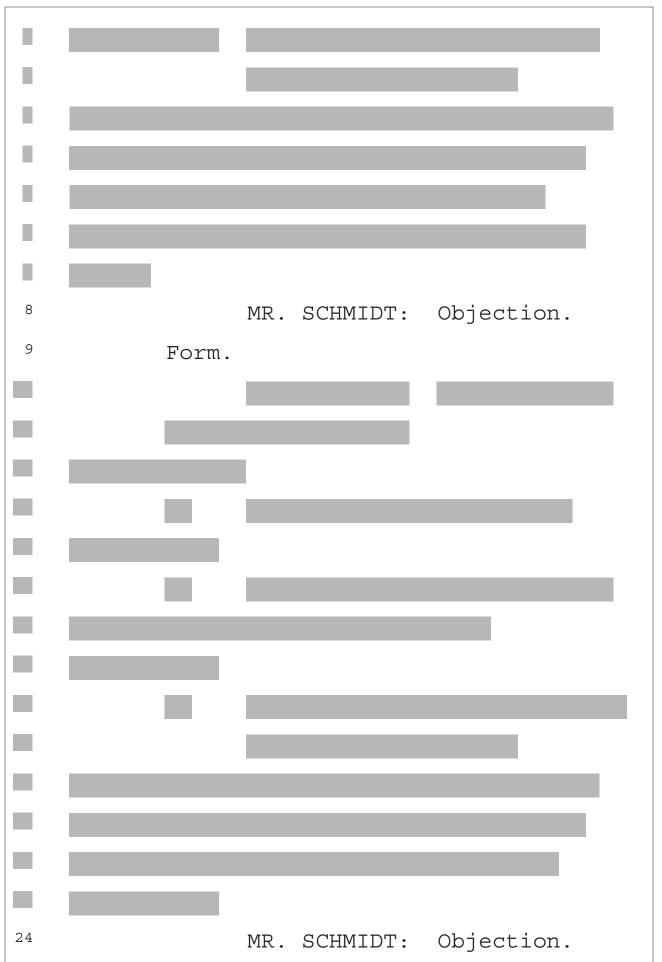




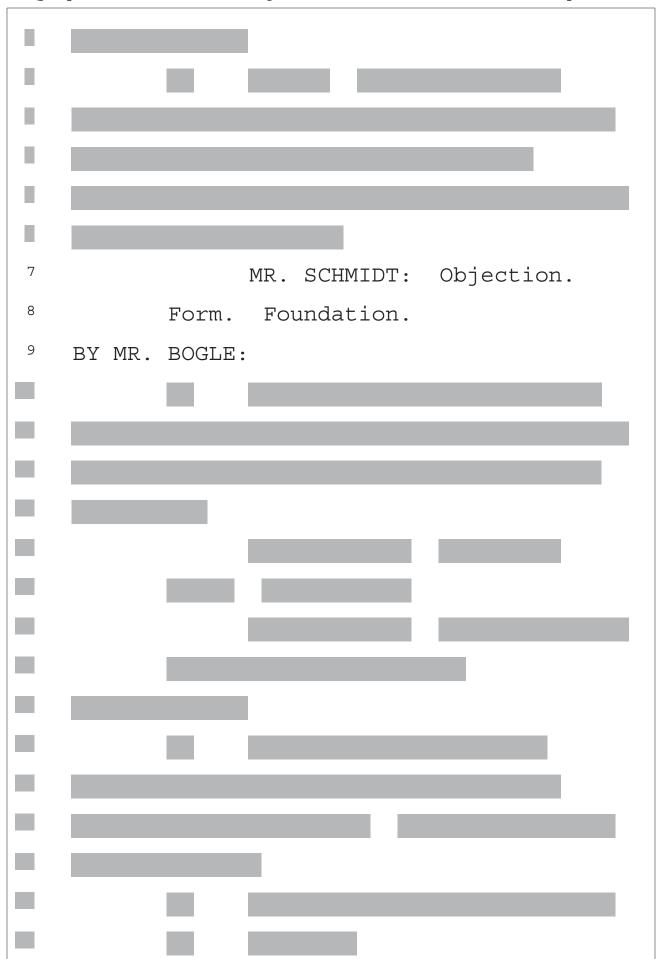


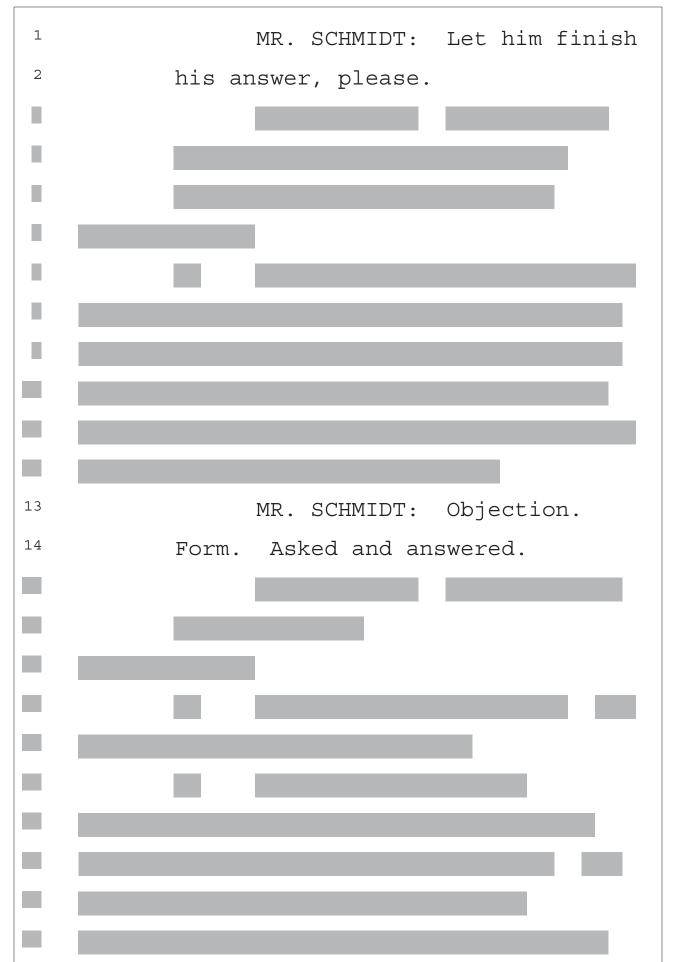


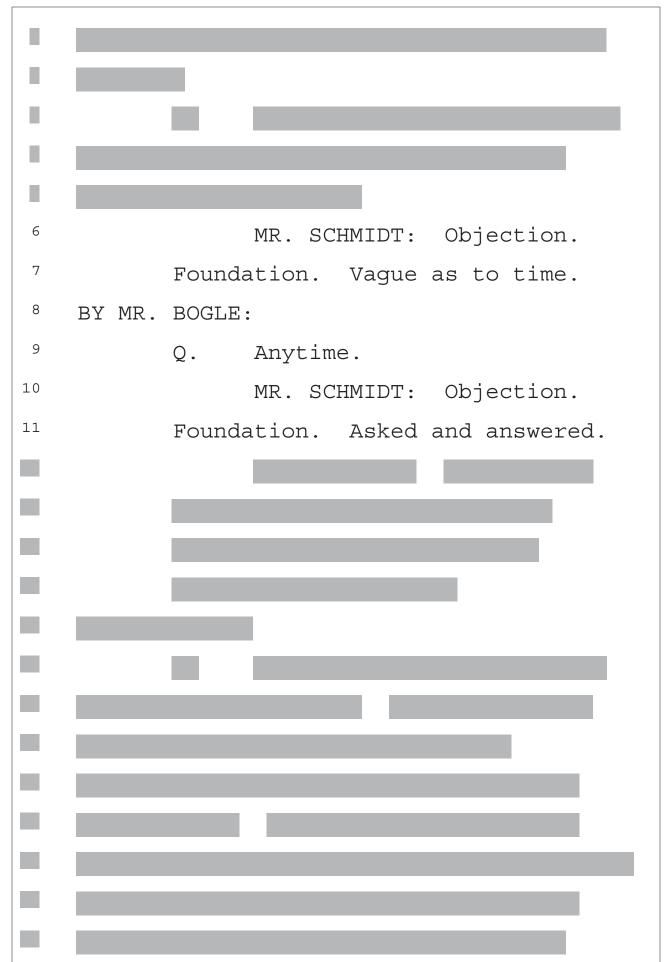


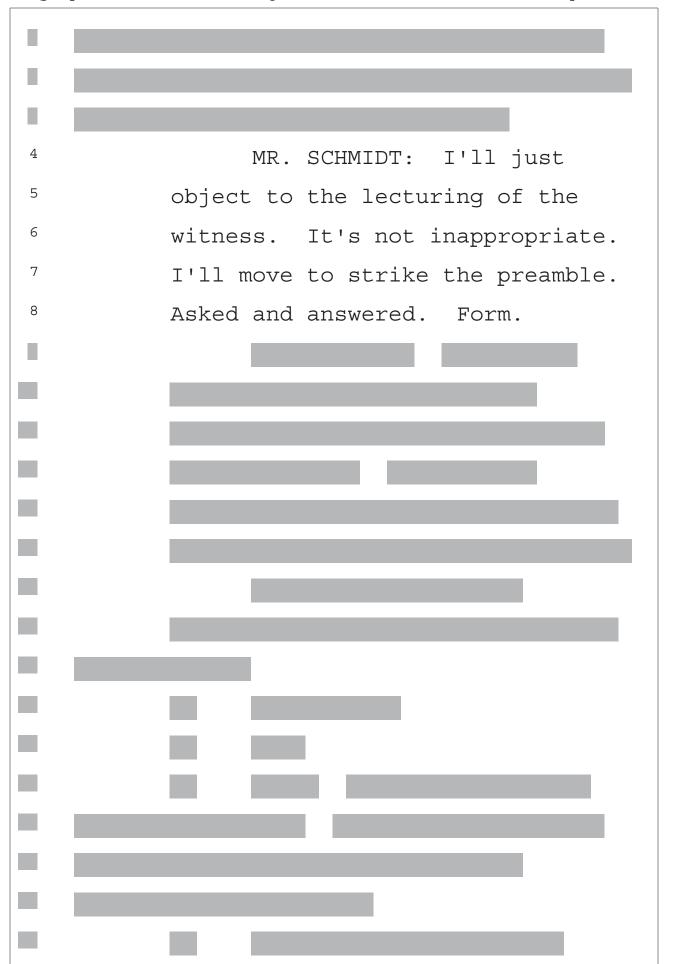


```
1
                  Vague as to time.
           Form.
    BY MR. BOGLE:
2
           Q. Any time.
3
4
                  MR. SCHMIDT: Objection to
5
           form.
6
    BY MR. BOGLE:
20
                  MR. SCHMIDT: Objection.
21
           Asked and answered three or four
22
           times now.
```









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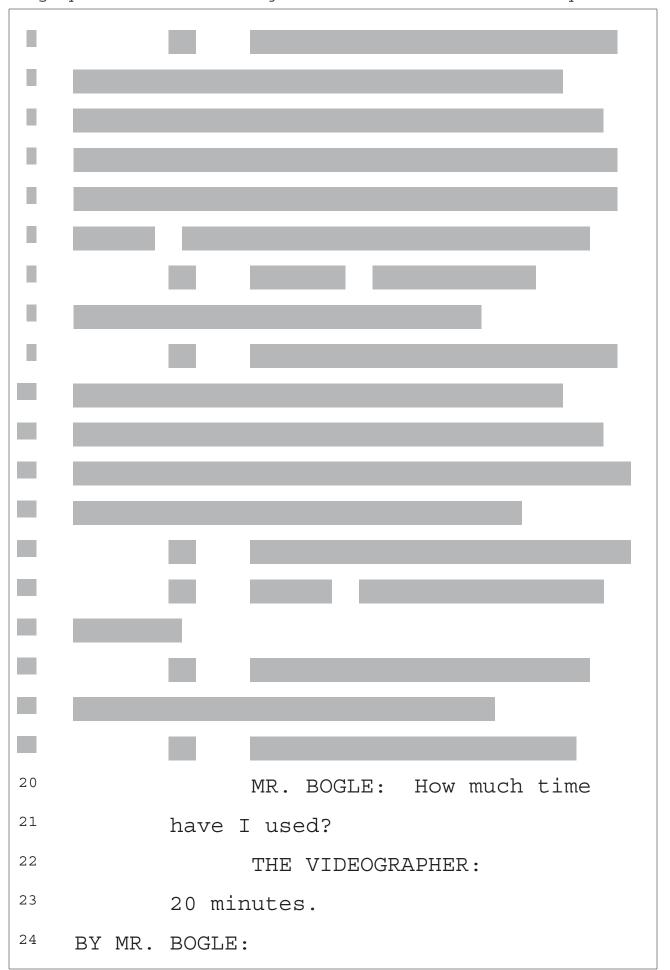


Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 576 of 607 PageID #: 165288 Highly Confidential #: 1800 Ject to Further Confidential #: Review



Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 577 of 607 PageID #: 165289 Highly Confidential #: 1800 Ject to Further Confidential #: Review

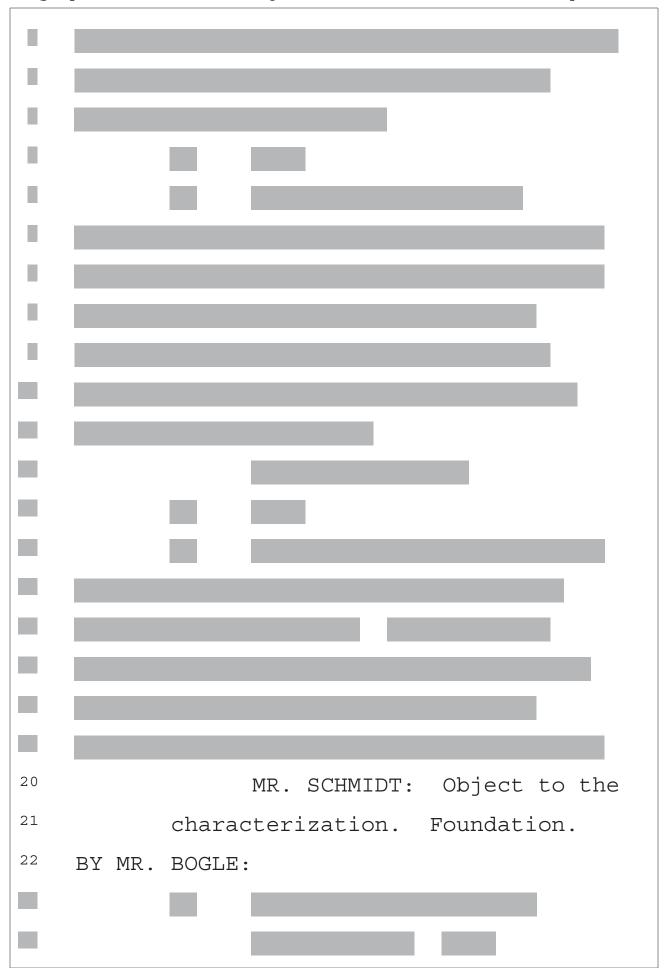


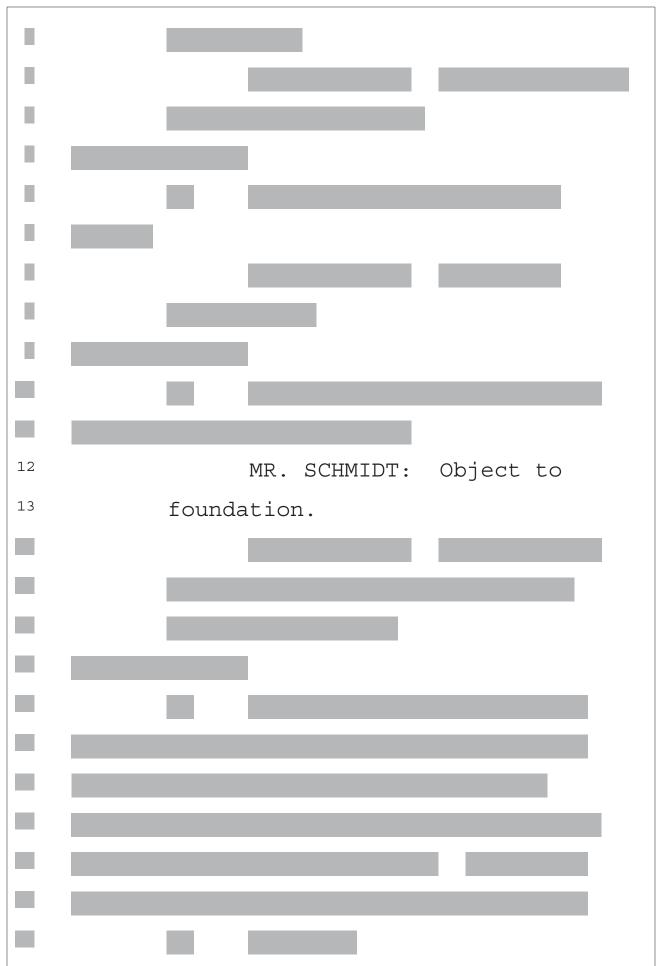


```
1
                 I'm going to hand you what
2
    I'm marking as Exhibit 43. Also marked
    as 1.1864.
4
                  (Document marked for
5
           identification as Exhibit
6
           Mahoney-43.)
7
    BY MR. BOGLE:
12
                 MR. SCHMIDT: I'm just going
13
           to enter an objection on the
14
                    I think this is well
           scope.
15
           outside the scope of anything that
16
           I did. If I could have a running
17
           objection.
18
                 MR. BOGLE: He raised the
19
                    I wasn't going to go here,
           issue.
20
           but he raised the issue.
21
                 MR. SCHMIDT: I still think
           it's outside the scope. May I
22
23
           have a running objection?
2.4
                  MR. BOGLE:
                              Sure.
```

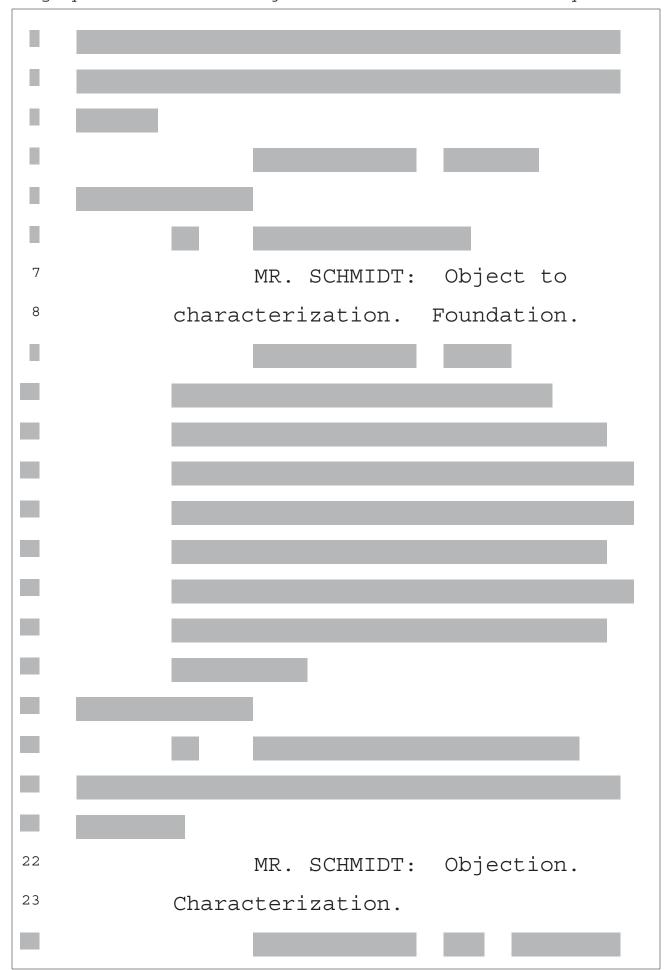
Case: 1:17-md-02804-DAP Doc#: 1964-33 Filed: 07/23/19 580 of 607 PageID #: 165292 Highly Confidential #: 1800 Ject to Further Further Confidential #: 1800 Ject to Further Fur

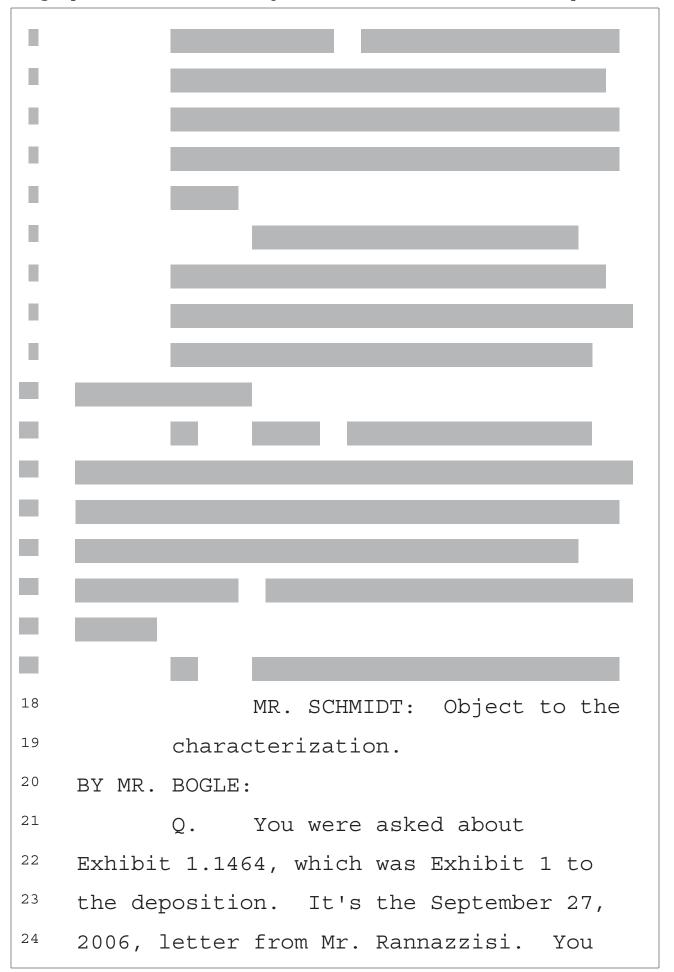










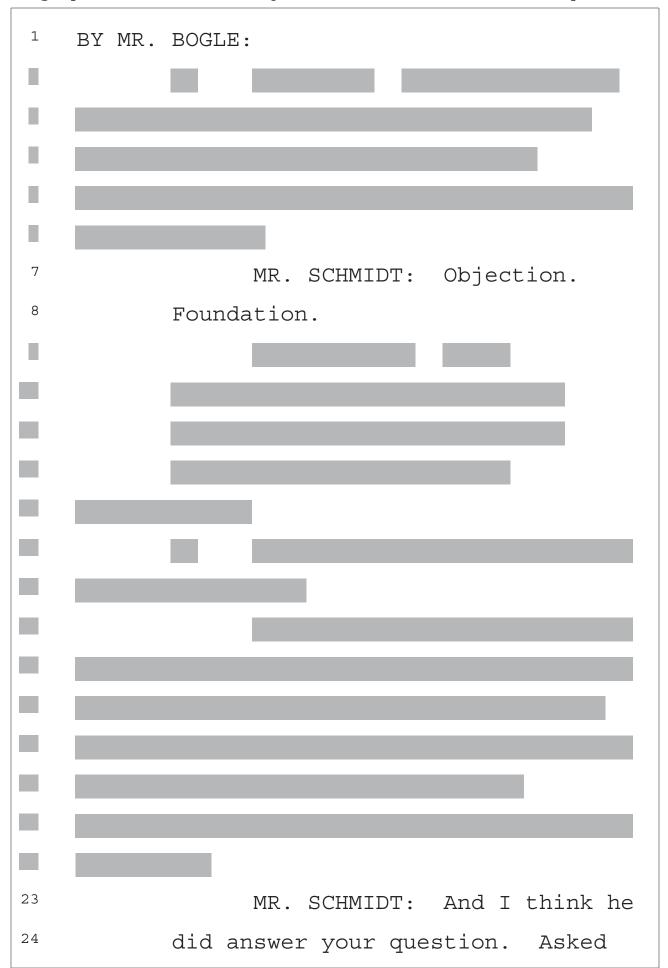


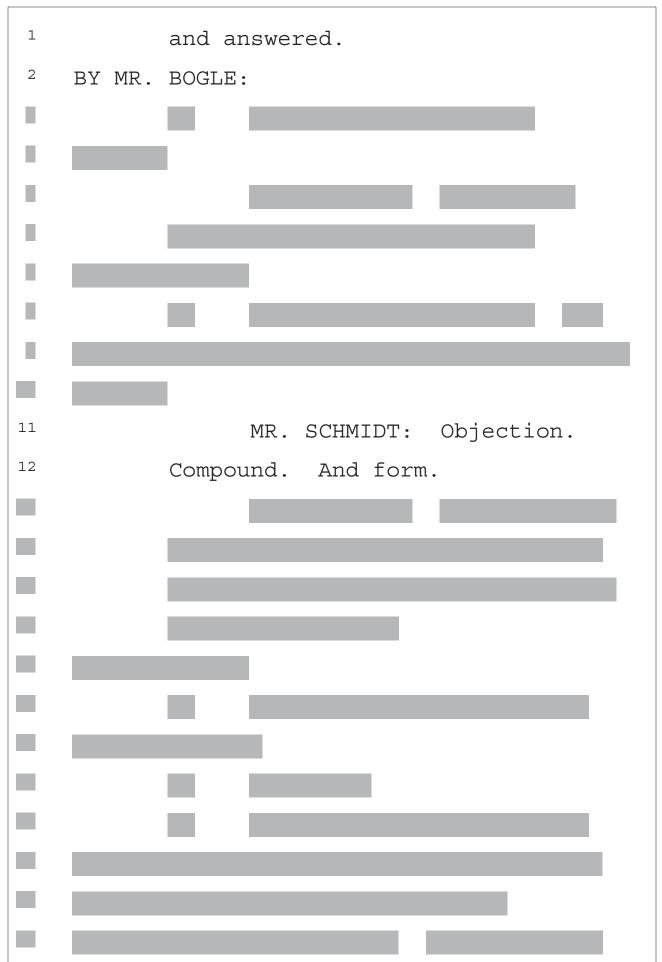
again talked about the reference to 1 2 potentially blocking orders being new in this letter. Do you recall saying that? Α. Yes. 10 MR. SCHMIDT: Objection. 11 Foundation. 12 BY MR. BOGLE: 23 0. Okay. Well, you're familiar with the statistic I believe that's even 24

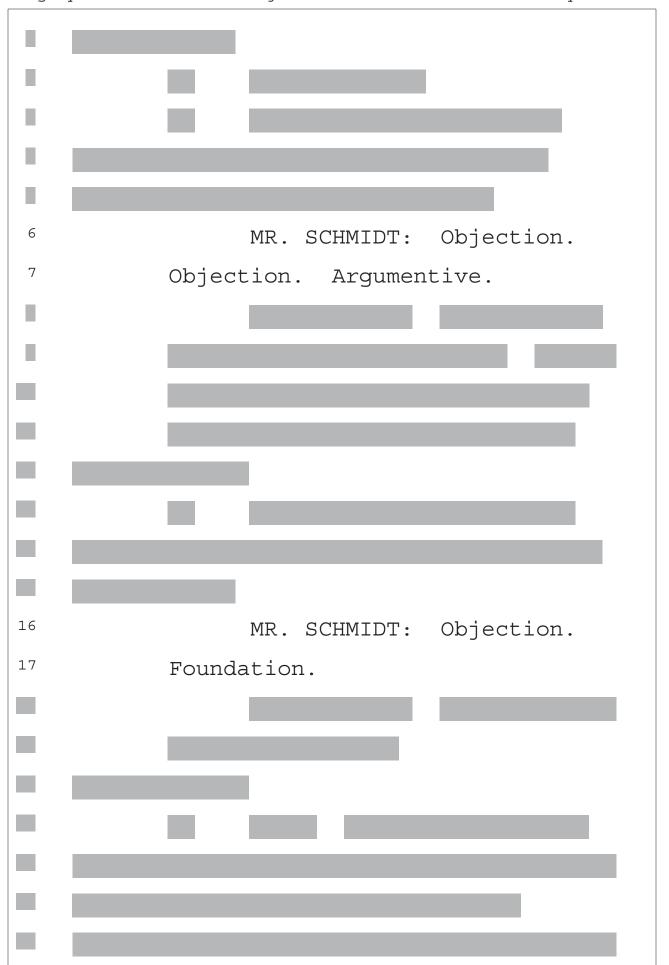
- 1 on McKesson's website that one-third of 2 all pills distributed in the United States come from your company, right? Are you familiar with that stat? 5 Α. I'm not sure that I've seen 6 it on the website. But I know that our 7 market share is roughly in line with 8 that. 9 Right. So to say that you 10 quys at McKesson don't have an impact on 11 the amount of pills, and specifically 12 controlled substances that might appear 13 in any region in this country, is a bit 14 overstated if you guys, in fact, supply 15 one out of every three pills in the 16 United States, right?
- 17 MR. SCHMIDT: Objection.
- 18 Characterization.

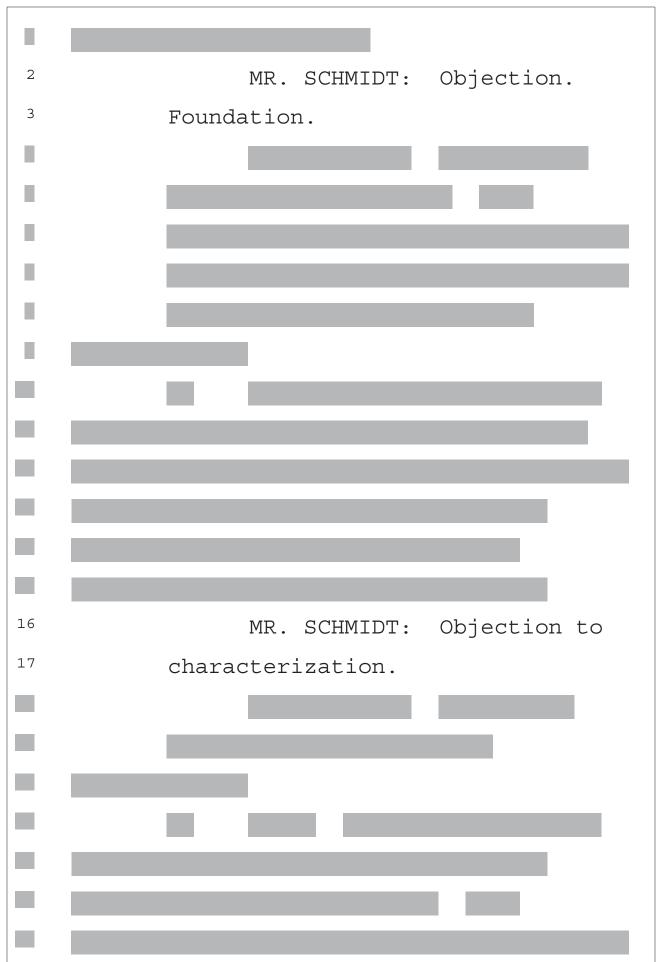
and effect.

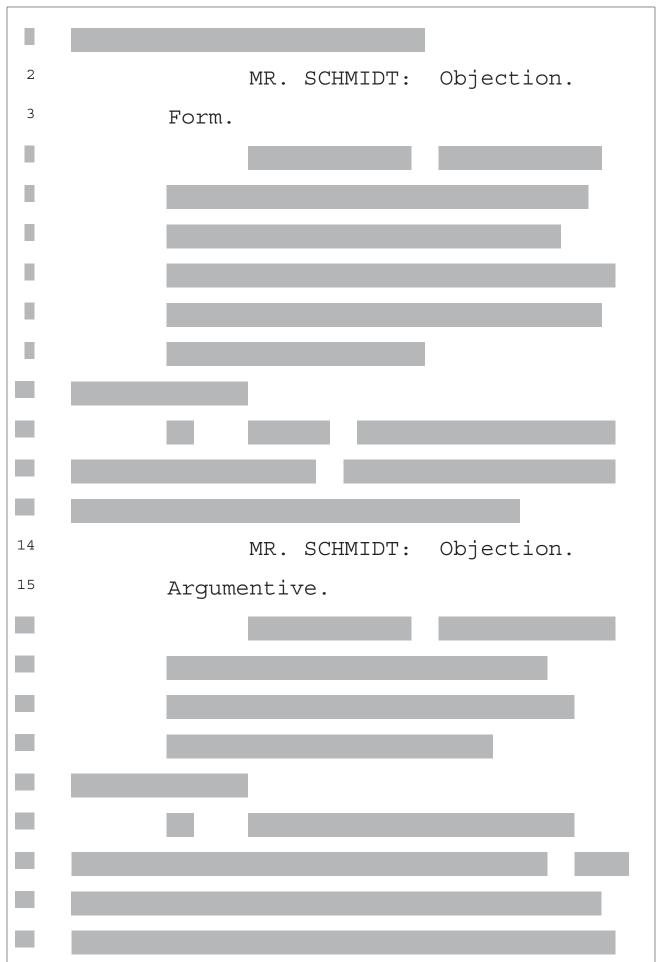
19 THE WITNESS: I think that 20 an expression of our market share 21 in saying that one out of every 22 three opioids, I don't see the 23 linkage there necessarily as cause 24

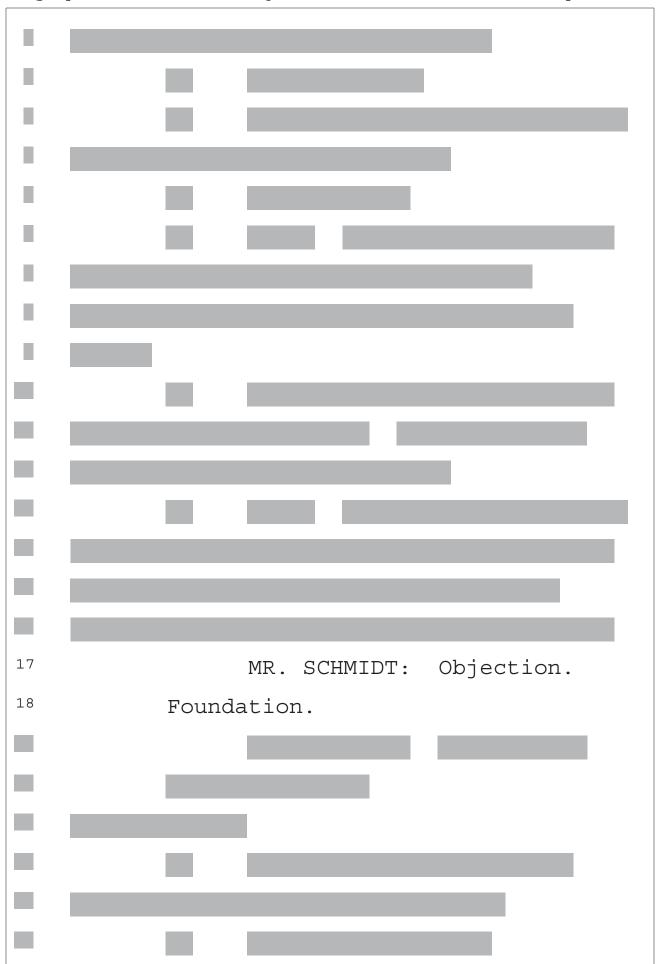








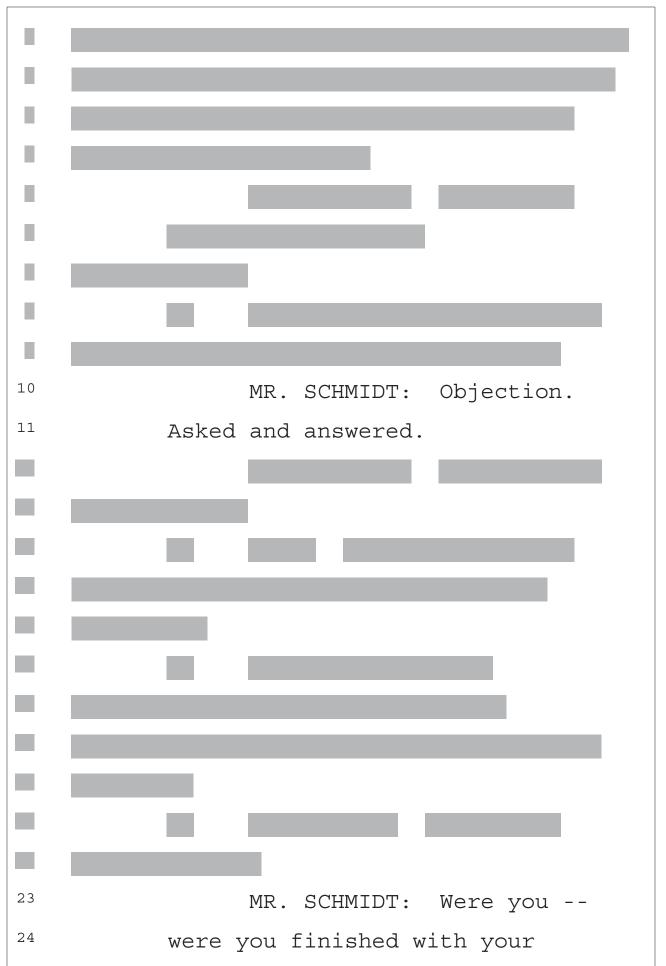


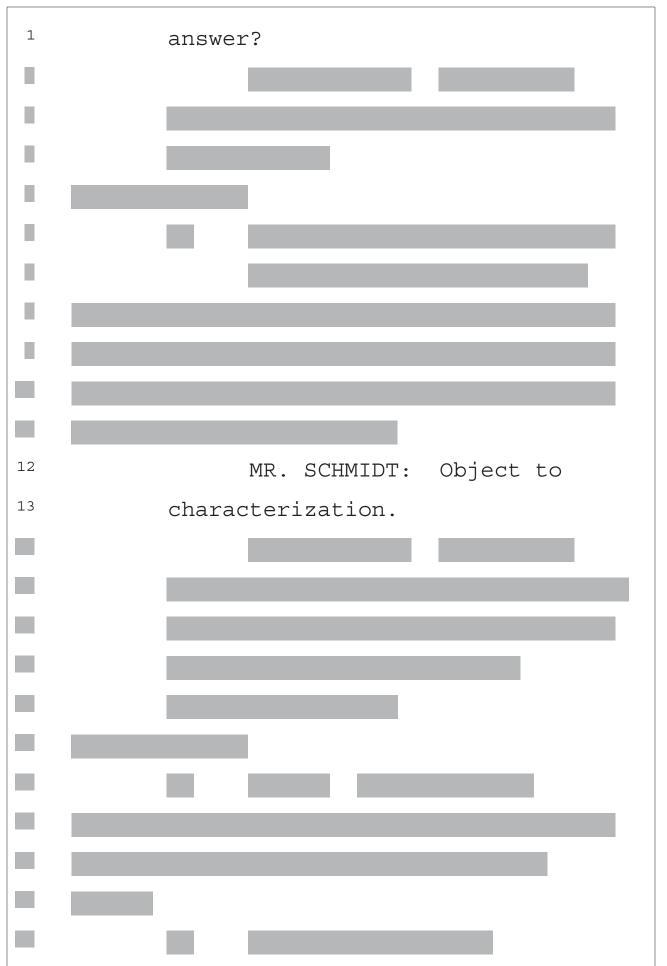




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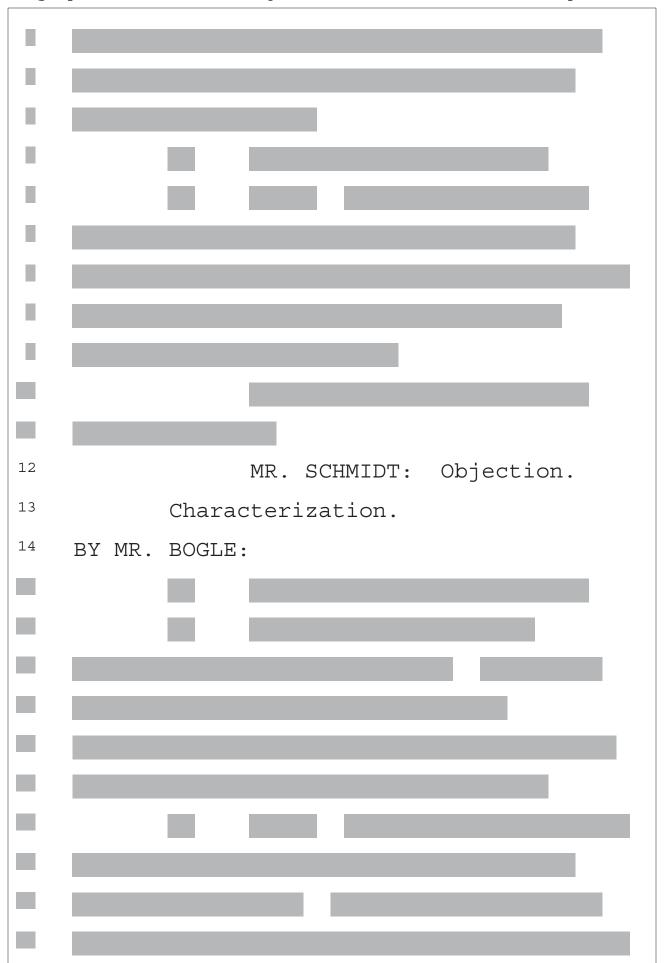


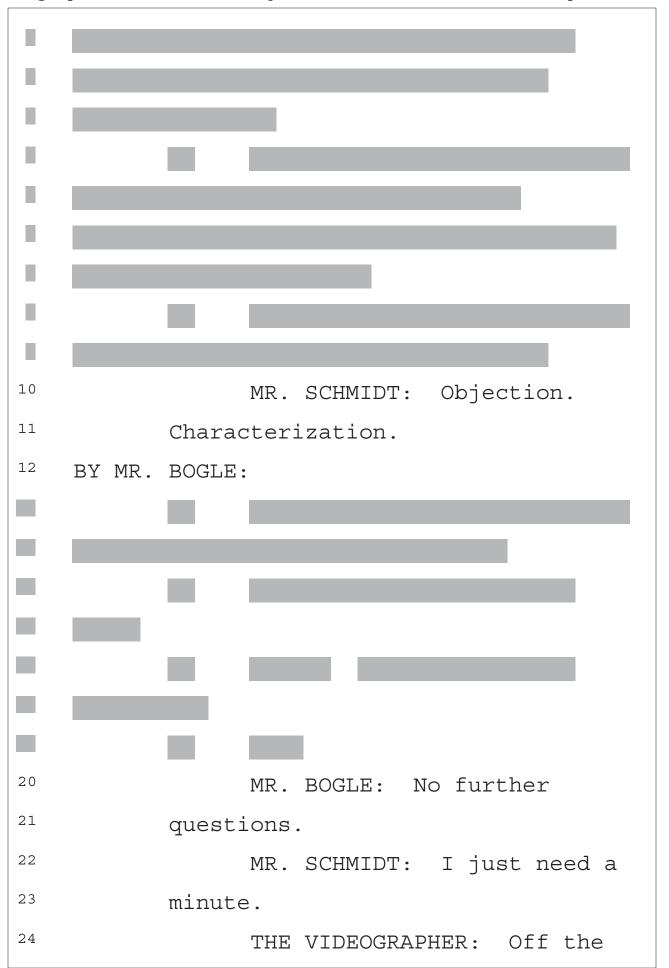




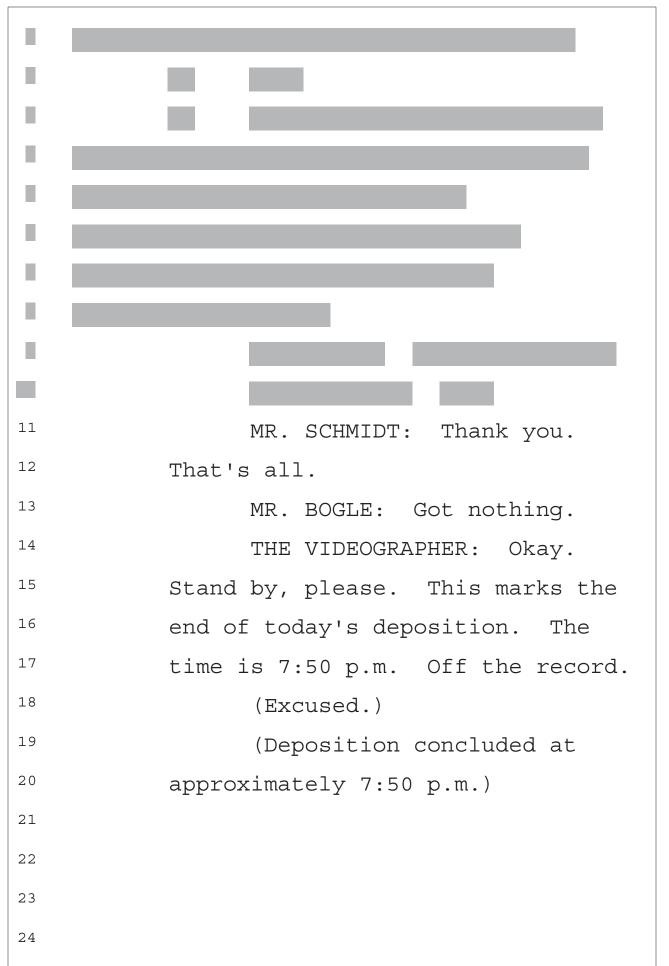
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```
1
           record, right? The time is
2
           7:46 p.m. Going off the record.
3
                 (Short break.)
                 THE VIDEOGRAPHER: The time
5
           is 7:49 p.m. Back on the record.
6
7
                   EXAMINATION
8
9
    BY MR. SCHMIDT:
17
                 MR. BOGLE: Object to form.
```



1 2 CERTIFICATE 4 5 I HEREBY CERTIFY that the witness was duly sworn by me and that the 6 deposition is a true record of the testimony given by the witness. 7 It was requested before 8 completion of the deposition that the witness, WILLIAM DE GUTIERREZ-MAHONEY, 9 have the opportunity to read and sign the deposition transcript. 10 11 12 MICHELLE L. GRAY, 13 A Registered Professional Reporter, Certified Shorthand 14 Reporter, Certified Realtime Reporter and Notary Public 15 Dated: December 3, 2018 16 17 18 (The foregoing certification 19 of this transcript does not apply to any 20 reproduction of the same by any means, 21 unless under the direct control and/or supervision of the certifying reporter.) 22 23 2.4

1 INSTRUCTIONS TO WITNESS 2 3 Please read your deposition over carefully and make any necessary corrections. You should state the reason 5 6 in the appropriate space on the errata 7 sheet for any corrections that are made. 8 After doing so, please sign 9 the errata sheet and date it. 10 You are signing same subject 11 to the changes you have noted on the 12 errata sheet, which will be attached to 13 your deposition. 14 It is imperative that you 15 return the original errata sheet to the 16 deposing attorney within thirty (30) days 17 of receipt of the deposition transcript 18 by you. If you fail to do so, the 19 deposition transcript may be deemed to be 20 accurate and may be used in court. 21 22 23 24

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1		
		ERRATA
2		
3		
4	PAGE LINE	CHANGE
5		
6	REASON:	
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8	REASON:	
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22	REASON:	
23		
24	REASON:	

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1					
2	ACKNOWLEDGMENT OF DEPONENT				
3					
4	I,, do				
5	hereby certify that I have read the				
6	foregoing pages, 1 - 606, and that the				
7	same is a correct transcription of the				
8	answers given by me to the questions				
9	therein propounded, except for the				
10	corrections or changes in form or				
11	substance, if any, noted in the attached				
12	Errata Sheet.				
13					
14					
15					
16	WILLIAM DE GUTIERREZ-MAHONEY DATE				
17					
18					
19	Subscribed and sworn				
	to before me this				
20	, day of, 20				
21	My commission expires:				
22					
23	Notary Public				
24					

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1			LAWYER'S NOTES
2	PAGE	LINE	
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